



**Homeland  
Security**

SEP 20 2010

**RECEIVED**

OCT 05 2012

U.S. Department of Homeland Security  
Office for Civil Rights and Civil Liberties

(b)(6)

San Diego, California 92114-4220

Re: Former Complaint No. 10-05-CBP-0086  
Current Complaint No. 10-04-CBP-0055

Dear Ms. (b)(6)

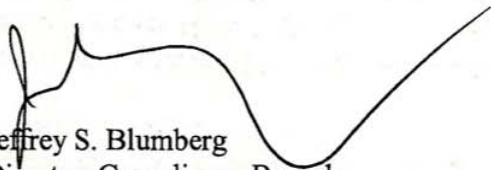
The Office for Civil Rights and Civil Liberties (CRCL) received information from the American Friends Service Committee (AFSC) on February 19, 2010, concerning your treatment by employees or officials of Customs and Border Protection (CBP) at Campo, California on December 15 and 16, 2009. CRCL sent a letter to you on August 9, 2010 informing you that your complaint would be referred for investigation by CBP.

Prior to receiving the information referenced above from AFSC, we received the same information from the Office of Refugee Resettlement (ORR), Department of Health and Human Resources, on January 9, 2010 (Complaint No. 10-05-CBP-0086). The two complaints will now be merged under Complaint Number 10-04-CBP-0055. Please make a note of this for your records.

CBP or CRCL will contact you if additional information is needed or to report on the Department's review of this matter. If you have any questions, you may contact CRCL by phone at 1-866-644-8360, 1-866-644-8361 (TTY), or by email at [crcl@dhs.gov](mailto:crcl@dhs.gov). When you communicate with us, please refer to the current complaint number.

Your complaint is currently under investigation by CBP. You can expect to receive a letter from us informing you how the Department concludes this matter.

Sincerely,

  
Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

Copy to:

(b)(6)

American Friends Service Committee (AFSC)  
U.S- Mexico Border Program  
P.O. Box 126147  
San Diego, CA 92112

Security Tape  
CRDS Postal Operations



U.S. Department of Homeland Security  
20528

CR



Homeland Security

10/04/2012 07:40:35

(b)(6)



US OFFICIAL MAIL  
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For Private Use

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can Diego

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5211433229



**From:** (b)(6)  
**Sent:** Wednesday, March 24, 2010 12:58 PM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** Complaint Documents for a Matter Involving Border Patrol  
**Attachments:** (b)(6) RefMemo.pdf; (b)(6) Ref Form.pdf; ORR SIR.pdf

Dear Colleagues,

Please find the original complaint, Referral Memo, and Referral Form for a matter involving an unaccompanied juvenile and Border Patrol.

Let us know if you have any questions. Thank you.

(b)(6)

Senior Policy Advisor (Compliance)  
Office for Civil Rights and Civil Liberties (CRCL)  
U.S. Department of Homeland Security  
Washington, DC

202-357-(b)(6)

(b)(6)@dhs.gov

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Homeland  
Security

February 14, 2011

(b)(6)

Office of Refugee Resettlement  
Administration for Children and Families  
U.S. Department of Health and Human Services  
370 L'Enfant Promenade, SW  
Washington, DC 20447

Re: Complaint No. 10-04-CBP-0055

(b)(6)

Dear Ms. (b)(6)

This letter is a follow-up in response to a Significant Incident Report (SIR) the Office for Civil Rights and Civil Liberties received from your office on January 9, 2010. In a letter dated March 23, 2010, this Office informed you that pursuant to 6 U.S.C. 345 and 42 U.S.C. 2000ee-1, we determined that the matters raised by your complaint would be reviewed by Customs and Border Protection (CBP), a component of the Department of Homeland Security (DHS), which would report its findings to this Office.


CBP reviewed the information and allegations provided in your SIR and conducted an internal investigation. CBP investigated the allegations that on December 15, 2009, U.S. Border Patrol (USBP) agents verbally abused and intimidated 15 year old unaccompanied minor, (b)(6) (b)(6) while she was in custody at the USBP station at Campo, California. Specifically, Ms. (b)(6) alleged that a USBP agent told her in Spanish "right now, we close the door, we rape you and fuck you" and "if you cooperate with us we can deport you to Mexico otherwise we will take you to jail, deport your entire family while your child will end up in foster care." Ms. (b)(6) further alleged that the verbal abuse and threats continued for approximately 20 minutes including attempts to intimidate her into signing a voluntary deportation document. To address the allegations, CBP researched documents and records created as a result of the apprehension, identified and obtained information from USBP agents and a supervisor involved in the processing, and reviewed current CBP policy to determine if the actions taken by personnel complied with established procedures.

CBP's investigation found that all USBP agents involved in Ms. (b)(6) apprehension and processing provided accounts that she was not mistreated, verbally abused, or intimidated. Furthermore, CBP was unable to find any witness or record to support Ms. (b)(6) allegations. USBP agents initiated their encounter at the rest stop based on the erratic driving behavior displayed on Interstate 8. According to USBP, while at the Campo Station, Ms. (b)(6) was advised of her

rights as a juvenile and was allowed to contact the Mexican Consulate. Ms. (b)(6) was present when USBP agents called Ms. (b)(6) mother. Ms. (b)(6) mother refused to appear at the Station to take custody of Ms. (b)(6) and requested that Ms. (b)(6) be voluntarily returned to Mexico. Ms. (b)(6) was allowed to speak to her mother and later told a USBP supervisor that she wanted to be returned to Mexico because that is what her mother requested. Though a USBP supervisor personally interacted with Ms. (b)(6) there is no record that Ms. (b)(6) made any complaint to the supervisor. The supervisor also reported to have observed Ms. (b)(6) display disrespectful and uncooperative behavior towards USBP agents during processing, but did not observe any USBP agent threaten or mistreat Ms. (b)(6). Further, there is no information available to indicate that Ms. (b)(6) complained to the Mexican Consulate about her treatment. In summary, CBP determined that USBP agents acted in a manner consistent with policy and regulation and no evidence was found to corroborate any allegation.

Based on this Office's review of the facts and circumstances present in this matter, we have concluded that CBP has addressed your concerns. This concludes our review of this complaint. If you have additional information or allegations regarding inappropriate treatment by officials of the Department, do not hesitate to provide the information to our Office. Thank you for bringing this matter to our attention.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg  
Director, Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

**From:** (b)(6)@dhs.gov]  
**Sent:** Tuesday, March 02, 2010 11:38 AM  
**To:** (b)(6)  
**Subject:** RE: New Unaccompanied Minor Complaint: (b)(6)  
(b)(6)

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

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**From:** (b)(6)@dhs.gov]  
**Sent:** Monday, March 01, 2010 5:19 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** New Unaccompanied Minor Complaint: (b)(6)

**Summary:**

On 1/9/10, CRCL received a Significant Incident Report (SIR) from the HHS Office of Refugee Resettlement (ORR) reporting that 16-year-old unaccompanied minor, (b)(6) (b)(6) alleged she was verbally abused and threatened by Border Patrol agents at or near the Campo, CA Border Patrol Station. The UAC stated she can identify the agents who she claims repeatedly used foul language toward her, threatened and intimidated her. She alleges that one of two agents standing under the door way of her holding cell said, "ahorita ceramos la puerta, te violamos y te chingamos" which the SIR states translates to, "right now, we close the door, we rape you and fuck you." And they further stated, "if you cooperate with us we can deport you to Mexico, otherwise we will take you to jail, and deport your entire family while your child will end up in foster care." The UAC also alleges agents at the station threatened jail if she did not sign a voluntary departure form. (It is reported that the minor was eventually released to her father, who resides in San Diego, CA.)

Please let us know if you have any questions. Thank you.

(b)(6)

(b)(6)

Senior Policy Advisor (Compliance)  
Office for Civil Rights and Civil Liberties (CRCL)  
U.S. Department of Homeland Security  
Washington, DC

202-357 (b)(6)

(b)(6)@dhs.gov

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February 05, 2010

(b)(6)

Compliance Investigator  
Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
245 Murray Lane, SW  
Building 410, Mail Stop #0800  
Washington, DC 20528

Office for Civil Rights & Civil Liberties

FEB 19 2010

**RE: Complainant:** (b)(6)  
**Incident date:** December 15, 2009

Dear Ms. (b)(6)

This letter is submitted to your office on behalf of the above-referenced individual regarding the treatment she received while in custody of Border Patrol. Please accept this complaint as an official inquiry for investigation.

This complaint has also been furnished to the Special Agent in Charge- Investigations Division Office of the Inspector General of DHS.

Our office will closely monitor this case and we remain at your service should you require any additional information. Thank you in advance for your assistance.

Sincerely,

(b)(6)

(b)(6)

San Diego Area Office  
AFSC





# American Friends Service Committee

Quaker values in action

U.S. - Mexico Border Program (USMBP)

## Complaint

Filed on: January 04, 2010  
Report taken by: (b)(6)  
American Friends Service Committee  
PO BOX 126147  
San Diego CA 92112

Complaint filed by:

(b)(6)

Name of victim:

(b)(6)

Age/DOB:

Age 15 /

(b)(6)

Mailing Address:

(b)(6)

San Diego CA 92114

(b)(6)

Phone:

(619)

(b)(6)

Law Enforcement Agency:

United States BCBP Agents

Name of Agent(s):

Not known

Number of Agents involved:

1 initially

4 Agents total

Date of incident:

Tuesday, December 15, 2009

Time:

11:00 AM

Location:

Interstate 8 East

Summary of Incident:

(b)(6)

and her friends were traveling eastbound on Interstate 8. Their vehicle was stopped by an agent dressed in civilian clothing. They were questioned, detained, and transported to the Campo Border Patrol station. At the station (b)(6) was question several times; agents conducting the questioning used inappropriate language and made threats against (b)(6)

### Synopsis of Incident

On Tuesday, December 15, 2009, at approximately 11AM, Ms. (b)(6) (15 years old) was an occupant of a vehicle that was stopped by a plainclothes BCBP agent. Those in the vehicle with her included (b)(6) (17 years old), his sibling (b)(6) (15 years old), and their uncle (b)(6) (22 years old). They were traveling eastbound on Interstate 8 to visit an area in the eastern part of the San Diego County where snow had fallen.

The driver, (b)(6) parked in a rest area. The driver of an unmarked Ford F-150 truck approached their vehicle. The man wore a dark blue jacket, he was probably in his late 30's, had short hair, light-dark skin and of Hispanic decent. The man first approached the driver's side and asked for (b)(6) to state his citizenship. (b)(6) responded that he was a US Citizen and he provided his California Driver's License as requested. The agent checking the Driver's License asked (b)(6) what he was doing in the area. (b)(6) told the agent that they were on their way to the snow for the day. The agent then asked everyone in the vehicle to state their citizenship.

The agent asked (b)(6) where she had been born. (b)(6) stated that she was born in Tijuana. The agent then asked (b)(6) if she was an "illegal." The agent insisted again and asked her a second time if she was an "illegal." According to (b)(6) before she was able to answer the agent ordered everyone out of the vehicle. When (b)(6) stepped out of the vehicle she noticed that six other agents and three marked Border Patrol vehicles had surrounded their vehicle. The first agent in the dark blue jacket handcuffed (b)(6) at the same time that other agents handcuffed (b)(6). They were placed into different vehicles and were told by the agent in the dark blue jacket that they needed to question them further at the station.

Upon arrival to the Border Patrol Campo station, (b)(6) was asked personal information, which included information about her current home address, her parent's names and phone number. According to (b)(6) she requested to make a phone call and the agent wearing the blue dark jacket told her that it was not a good time for her to make a phone call. The agent wearing the dark blue jacket removed the handcuffs and ordered her to place all her belongings on a table. (b)(6) placed what she had from her pockets on the table. At this point the agent repeated the order. (b)(6) told the agent that she had already placed what she had on the table. The agent wearing the dark blue jacket approached her and padded her buttocks twice. (b)(6) pulled away from the agent and told him that there had not been a need for him to do that. At this point the agent told her that she was going to be taken to her cell and that she was going to have to wait there.

According to (b)(6) thirty minutes after her arrival to her cell she was taken to a separate room to be questioned again by the same agent in the dark blue jacket who was accompany by a second agent. While being questioned the agent in the dark blue jacket asked (b)(6) how long had she lived in the U S and where she had lived before. According to (b)(6) she mentioned to the officer that she had a two year old son who had been born in the U S. At this point the officer told (b)(6) that she would be better



off telling them everything because according him, her friends had all ready confessed to him the real reason why they were in the area. According to (b)(6) at this point the agent told her that she just needed to admit that she was in the area to pick-up drugs because she needed the money for her child and to help her family. According to (b)(6) she told the agents that she was not willing to admit to something that she had not done. The agent then told (b)(6) that if she did not cooperate they were going to place charges on her, take her baby away, and that since they had all the information about her parents they could call ICE and ask them to go to the house and arrest her parents.

(b)(6) began to cry and told the agent for the second time that she could not admit to doing something that she had not done and that she wanted to ask for help because she felt the agents were mistreating her. The agent told her that no one could help her because she was in very serious trouble. Mockingly, the agent asked her to tell him who would be willing to help her. (b)(6) answered to the agent that she wanted to ask for help from a teacher because her teacher had helped other students who had been in similar circumstances. The agent told (b)(6) that no one could help her and that if they wanted to they could put her in a locked room, rape her and beat her and that no one would ever know. At this point (b)(6) became frightened and told the agent that she just wanted to be left alone. The agent told (b)(6) that the best way to do things was for her to sign the voluntary departure form. (b)(6) told the agent that she would sign the paper if it meant that she would no longer be interrogated.

After she signed the voluntary departure form, (b)(6) was taken back to her cell. After finger prints were taken, an agent told (b)(6) that they had already spoken to her mother and was told to sit down on a bench and wait.

When (b)(6) was in her cell Agent (b)(6), (b)(7)(C) walked in and told her that she was going to be transported to the San Ysidro Port-of-Entry and that she would have the opportunity to talk to a representative of the Mexican Consulate regarding her rights as a minor. At that point an older agent walked in and interrupted Agent (b)(6), (b)(7)(C) saying that there was nothing that could be done to change things because everything that needed to be done had already been done.

At about 5 PM a Border Patrol agent transported (b)(6) to the San Ysidro Port-of Entry. When (b)(6) arrived she and the Border Patrol agent waited in a room. Some time after they had been waiting an older CBP agent walked into the room and in a loud voice told (b)(6) to take her hands out of her pockets because she was not at her home and ordered her to place them on the table. According to (b)(6) the agent told her that he had already called a female agent and that she would conduct a body inspection. After the female agent conducted the inspection (b)(6) was told to wait until they found the cell where she was going to spend the night because the representative of the Mexican Consulate had left for the day. (b)(6) was directed to a cell and was told that she would be spending the night there.

On the morning of Wednesday, December 16, (b)(6) was directed from her cell to the office of the representative of the Mexican Consulate. During the interview with the

representative of the Mexican Consulate (b)(6) explained what had happened during the interrogation at the Campo Border Patrol station the day before and expressed fear at the possibility of returning to Mexico. The Mexican Consulate representative conducted an extensive interview, and after which, (b)(6) was returned to the custody of BCBP.

A Border Patrol agent transported (b)(6) from the San Ysidro Port-of-Entry back to the Campo Border Patrol station. Once at the Campo Border Patrol station an agent told (b)(6) that her case would not change. Officer (b)(6), (b)(7)(C) interrogated (b)(6) again, asking the same questions (b)(6) had been asked the day before. Following the interview by Agent (b)(6), (b)(7)(C) she was escorted to a cell.

(b)(6) spent Wednesday evening at the Campo station and the next day on Thursday, December 17, at approximately 3PM she was transported by two Border Patrol agents to the Southwest Keys youth facility located in Lemon Grove, California.

On Friday morning, December 18, the family informed our office that during a phone conversation between (b)(6) and her mother, the minor expressed alarming signs of emotional distress due to her experience at the Campo Border Patrol station.

**(b)(6) is a minor who was under the custody of CBP / Border Patrol agents for over 48 hours. Our office requests an immediate investigation into the allegations of mistreatment and sexual abuse that (b)(6) experienced while under the custody of CBP/Border Patrol agents at the Campo Border Patrol station. Our office also requests that any and all necessary disciplinary actions take place in order to ensure that this type of incident does not occur again.**

\*\*\*

**From:** (b)(6)  
**Sent:** Tuesday, August 10, 2010 1:43 PM  
**To:** (b)(6)  
**Cc:**  
**Subject:** (b)(6) Complaint combined with (b)(6) Complaint

(b)(6) complaint 10-04-CBP-0055 and 10-05-CBP-0086 appear to be the same complaint... So, please delete the second complaint... I will transfer the documents in the system to 10-04-CBP-0055, to combine.

Thanks!

(b)(6)

Senior Policy Advisor (Compliance)  
Office for Civil Rights and Civil Liberties (CRCL)  
U.S. Department of Homeland Security  
Washington, DC  
202-357-(b)(6) **New Phone Number as of 6/28/10)**  
(b)(6)@dhs.gov

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ASSIGNMENT	
<b>Assigned To:</b>	DHS Headquarters CBP IA
<b>Requested From:</b>	DHS Headquarters CRCL (b)(6) Senior Policy Advisor (Compliance) Phone: 202-357-(b)(6)
<b>Date Referred to JIC:</b>	See attached memo.
<b>Deadline to CRCL:</b>	Within 180 days of the date on the attached memo.
<b>CRCL Complaint No:</b>	10-04-CBP-0055-(b)(6)
ALLEGATIONS SUMMARY	
<p>This matter involves an unaccompanied minor (UAC). On 1/9/10, CRCL received a Significant Incident Report (SIR) from the HHS Office of Refugee Resettlement (ORR) reporting that 16-year-old UAC (b)(6) alleged that she was verbally abused and threatened by Border Patrol agents at or near the Campo, CA Border Patrol Station. The UAC stated that she can identify the agents whom she claims repeatedly used foul language toward her, threatened and intimidated her.</p> <p>Specifically, the UAC claims that one of two agents standing in the doorway of her holding cell stated, "ahorita ceramos la puerta, te violamos y te chingamos," which the SIR states translates to, "right now, we close the door, we rape you and fuck you." And they further stated, "if you cooperate with us we can deport you to Mexico, otherwise we will take you to jail, and deport your entire family while your child will end up in foster care." The UAC also alleges agents at the station threatened jail if she did not sign a voluntary departure form. She was later transported to the San Ysidro Port of Entry for one night and then transported back to the same Border Patrol Station the next day before her transfer to an ORR facility.</p>	
<b>Specific Issues to be Addressed:</b>	(b)(5)
<b>Additional Instruction and Documents To Review:</b>	Along with the investigative report, please provide CRCL with a copy of the minor's I-213, I-770, and Form 93.



Homeland  
Security

MAR 23 2010

(b)(6)

Office of Refugee Resettlement  
Administration for Children and Families  
U.S. Department of Health and Human Services  
370 L'Enfant Promenade, SW  
Washington, DC 20447

Re: Complaint No. 10-04-CBP-0055

(b)(6)

Dear Ms. (b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) received a Significant Incident Report (SIR) information from your Office on January 9, 2010, concerning the treatment of unaccompanied minor, (b)(6) by an employee or official of Customs and Border Protection (CBP) at or near Campo, California on December 15, 2009.

Under 6 U.S.C. 345 and 42 U.S.C. 2000ec-1, CRCL has the responsibility to review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security. Pursuant to 6 U.S.C. 345(a)(6) and internal Department of Homeland Security policies, CRCL initially refers all such complaints to the Office of Inspector General for handling under the Inspector General Act of 1978, as amended. If the Inspector General declines to accept the complaint, it is returned to this Office for handling or reassignment within the Department of Homeland Security. The Office of Inspector General has declined to open an investigation into the allegations reported in the SIR.

This Office takes allegations of violations of civil rights and civil liberties very seriously. We have determined that the allegations concerning the treatment of Ms. (b)(6) should be reviewed by CBP, a component of the Department of Homeland Security, which will report its findings to this Office. The purpose of this review is to determine if the allegations raise

issues that should and can be addressed by the management of the Department of Homeland Security.

Under 6 U.S.C. 345 and 42 U.S.C. 2000ee-1, no legal or procedural rights or remedies are provided to individuals. Accordingly, this Office may not obtain any legal remedies, damages or other relief on behalf of an unaccompanied minor.

If you have any questions concerning these complaints, you may contact (b)(6) in this Office by phone at 202-357-(b)(6) or by email at (b)(6)@dhs.gov. We request that you place this notification with the unaccompanied minors' records. We appreciate your Office bringing these matters to our attention.

Sincerely,

(b)(6)

Director for Review and Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



# Homeland Security

MAR 23 2018

MEMORANDUM FOR:

(b)(6),(b)(7)(C)


Joint Intake Center  
Customs and Border Protection

Alfonso Robles  
Chief Counsel  
Customs and Border Protection

FROM:

(b)(6)

Director for Review and Compliance  
Office for Civil Rights and Civil Liberties

David J. Palmer   
Deputy Associate General Counsel (Legal Counsel)  
Office of General Counsel

SUBJECT:

Complaint No. 10-04-CBP-0055

(b)(6)

Under 6 U.S.C. 345 and 42 U.S.C. 2000ee-1, the Office for Civil Rights and Civil Liberties has the responsibility to review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department. We have received information concerning the above listed complaint that may fall under 6 U.S.C. 345 and 42 U.S.C. 2000ee-1. Pursuant to 6 U.S.C. 345(a)(6) and internal DHS policies, the Office for Civil Rights and Civil Liberties initially refers all such complaints to the Office of the Inspector General for handling under the Inspector General Act of 1978, as amended. If the Inspector General declines to accept the complaint, it is returned to this Office for handling or reassignment within the Department. The Office of the Inspector General has declined to open an investigation into this complaint and we have determined that this complaint will be best handled by your component.

We request that the appropriate office within your component complete an inquiry into the enclosed complaint within 180 days of the date of this referral. When the inquiry is complete,

*Protected by Attorney-Client and Deliberative Process Privileges*

please contact our Office with your component's findings and recommendations. This Office will review the matter in accordance with our mission of assisting the Department to secure America while preserving our freedoms and our way of life. Our goal is to assist Customs and Border Protection (CBP) in resolving concerns raised by members of the public regarding CBP's policies or actions taken by CBP personnel, before those complaints move into forums where the Department's ability to take constructive action becomes limited. Our communications with CBP personnel and documents generated during this review will be protected, to the maximum extent possible, by attorney-client and deliberative process privileges.

If you have any questions concerning this referral, please do not hesitate to contact my colleague, (b)(6) by phone at 202-357-(b)(6) 1-866-644-8331 (TTY), or by email at (b)(6)@dhs.gov.

Copies to:

(b)(6),(b)(7)(C)

Executive Director  
Office of Diversity and Civil Rights  
Customs and Border Protection

Robert M. Lewandowski  
Chief of Staff  
Office of Border Patrol  
Customs and Border Protection

(b)(6),(b)(7)(C)

Assistant Chief, Office of Internal Affairs/IOD  
Office of Border Patrol  
Customs and Border Protection

Enclosure





REFERRED COMPLAINT ASSISTANCE	
Assigned To:	Customs and Border Protection
Requested From:	DHS Headquarters Office for Civil Rights and Civil Liberties (CRCL)
POC:	(b) (6) Senior Policy Advisor (Compliance), 202-357 (b) (6) @dhs.gov.
Date Referred to CBP:	AUG 09 2010
Deadline to CRCL:	Within 180 days of the date on the attached memo.
CRCL Complaint No:	10-05-CBP-0086
SYNOPSIS	
<p>On February 19, 2010, CRCL received information from the American Friends Service Committee on behalf of then 15-year-old unaccompanied minor, (b) (6) alleging that unidentified Border Patrol agents mistreated her while she was in custody at the Campo, California Border Patrol Station on December 15 and 16, 2009. According to the minor, unidentified agents allegedly threatened and verbally abused her to coerce her into an admission of drug smuggling and later to coerce her into signing for voluntary departure to Mexico. The minor also alleges that she was denied the opportunity to make a phone call by an agent who also inappropriately touched the minor in a sexual manner.</p>	
ISSUES/ALLEGATIONS	
Issues/Allegations to be addressed in CBP Fact Finding Report/ROI submitted to DHS CRCL:	<ul style="list-style-type: none"><li>• (b) (5), (b) (6) Whether Border Patrol agents complied with established policy and procedure regarding the treatment of unaccompanied minor, (b) (6) on December 15 and 16, 2009 when she was in the custody at the Campo Border Patrol Station;</li><li>• Whether Ms. (b) (6) was provided the opportunity to make a phone call within an appropriate timeframe;</li><li>• Whether a Border Patrol agent inappropriately touched Ms. (b) (6)</li><li>• Whether Border Patrol agents who processed Ms. (b) (6) verbally and physically threatened her, and verbally abused her in an attempt to coerce her to confess to drug smuggling;</li><li>• Whether Border Patrol agents threatened and intimidated Ms. (b) (6) in an attempt to coerce her into signing a voluntary departure form;</li><li>• Whether Border Patrol agents complied with established policy and procedure, including consulate notification procedures, when preparing Ms. (b) (6) transfer to the San Ysidro Port of Entry for return to Mexico.</li></ul>
Information/Documents requested by DHS CRCL:	<ul style="list-style-type: none"><li>• The identity of all Border Patrol agents at the Campo Border Patrol Station who were involved in processing and questioning Ms. (b) (6)</li><li>• All agent statements and interview transcripts regarding the complaint allegations.</li><li>• An account of the reason(s) why the minor remained in custody at the Campo Border Patrol Station beyond the 24 hour limit required in Border Patrol Hold Room Policy.</li><li>• A copy of Ms. (b) (6) A-file.</li><li>• For each of the agents who processed and questioned Ms. (b) (6) The most recent dates of Border Patrol Hold Room and Flores training completion.</li></ul>

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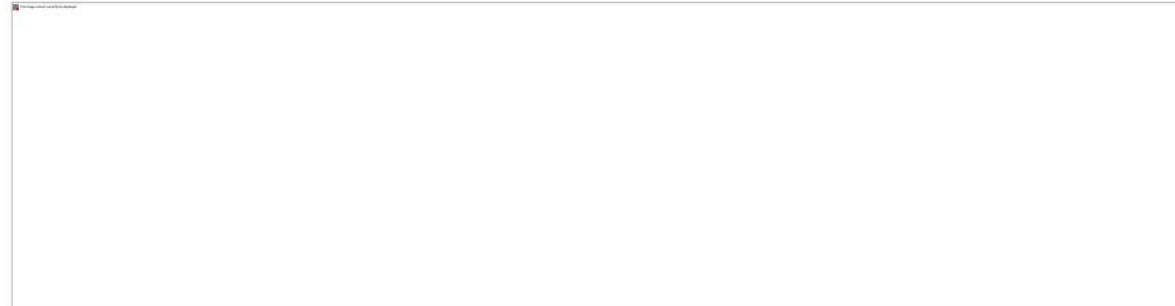
**From:** (b)(6)@acf.hhs.gov]  
**Sent:** Saturday, January 09, 2010 8:36 AM  
**To:** (b)(6)  
**Subject:** FW: DHS Abuse Allegation  
**Attachments:** (b)(6) Referral.pdf; (b)(6)  
(b)(6) SIR.pdf

**Categories:** Green Category, Red Category

Here is another allegation of abuse.

(b)(6)  
United States DHHS\ACF\ORR\DUCS  
Federal Field Specialist Supervisor  
(202) (b)(6)

**From:** (b)(6)@dhs.gov]  
**Sent:** Tuesday, November 30, 2010 7:44 AM  
**To:** (b)(6) (CTR)  
**Subject:** RE: Complaint No. 11-01-CBP-0016



The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

---

**From:** (b)(6)@associates.dhs.gov]  
**Sent:** Wednesday, November 24, 2010 12:50 PM  
**To:** (b)(6)  
**Cc:**  
**Subject:** Complaint No. 11-01-CBP-0016

**Please Review.**

This matter concerns **unaccompanied minors**. On October 14, 2010, CRCL received faxed correspondence from (b)(6) of the Florence Immigrant and Refugee Rights Project ("Florence Project"), reporting allegations made by two unidentified unaccompanied minors (who wish to remain anonymous) concerning their treatment by unidentified Border Patrol (BP) personnel during the time they spent in BP custody at the Tucson Border Patrol Station in Tucson, Arizona, during the first week of September 2010, while awaiting transfer to an Office of Refugee Resettlement (ORR) detention facility. The first complainant was detained for four nights and four days at the Tucson BP Station following his apprehension. The second complainant was detained for approximately ten hours at the Nogales station, and then transferred to Tucson, where he spent four days and four nights. The minors, both 16-year-old Mexican citizens at the time of the arrests, and were in detention in Tucson at approximately the same time. They alleged that they were held in a small room with many other children, such that they were not able to move freely or sleep properly. A large, loud fan in the room made the room cold and noisy, and made it difficult to sleep. One of the complainants reported that the blanket with which he was provided was dirty. The Florence Project states that, based on the Florence Settlement Agreement, the government should have transferred the two minor



complainants to another facility within three days, because the minors were apprehended in a district in which a licensed program is located and had space available at the time. (Capacity records for Phoenix shelters during the week preceding the two complainants' transfer demonstrate that there were beds open in the district.)

Thank You,

(b)(6)

(b)(6)

**From:** (b)(6)  
**Sent:** Friday, January 28, 2011 3:57 PM  
**To:** CRCL  
**Subject:** Complaint No. 11-01-CBP-0016, No. 11-02-CBP-0043, No. 11-01-CBP-0019

To Whom It May Concern:

Please send any correspondence regarding the complaints:

Complaint No. 11-01-CBP-0016 on behalf of Two Anonymous Unaccompanied Minors

Non Responsive

to this email address, or correspond by mail to:

(b)(6)

Florence Immigrant and Refugee Rights Project  
202 E McDowell Rd., (b)(6)  
Phoenix, AZ 85004

I can also be reached by phone at (602) (b)(6)

Thank you very much.

Sincerely,

(b)(6)  
*Compton Mentor Fellow  
Florence Project  
Phoenix Office:  
202 E. McDowell Road (b)(6)  
Phoenix, AZ 85004*

602- (b)(6) (Office)  
480- (b)(6) (Cell)  
602- (b)(6) (Fax)





Homeland  
Security

November 30, 2010

(b)(6)

Compton Mentor Fellow, Children's Institute  
202 E. McDowell Road (b)(6)  
Phoenix, AZ 85004

Re: Complaint No. 11-01-CBP-0016  
Two Anonymous Unaccompanied Minors

Dear Ms. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties received a complaint from you on October 14, 2010. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, this Office has the responsibility to review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS). Pursuant to 6 U.S.C. § 345(a)(6) and internal DHS policies, we initially refer all such complaints to the Office of Inspector General. If the Inspector General declines to accept the complaint, it is returned to this Office for handling or reassignment within the Department.

The issues you raise are very important to us, and we are working to provide a written response describing how we will handle this matter. The information you provided or may provide will be used in accordance with 5 U.S.C. § 552 (Freedom of Information Act), 5 U.S.C. § 552a (Privacy Act), 6 U.S.C. § 345 (Homeland Security Act), 42 U.S.C. § 2000ee-1 (9/11 Commission Act), 44 U.S.C. § 3101 (Federal Records Act) and other relevant federal laws. While we will seek to prevent unnecessary disclosure of the information provided, we may need to share some of this information with relevant persons. Also, we may be required by law or government policy to release information, in whole or in part, to other government agencies, Congress, and other private individuals. Such disclosures may be mandatory under the Privacy Act, the Freedom of Information Act, the Federal Records Act, and other statutes or regulations. When disclosures are made, personal information will be redacted to the extent permissible. A discussion of your rights under the Freedom of Information Act and the Privacy Act can be found at <http://www.pueblo.gsa.gov/call/foia.htm> or in the attached materials.

Please provide us your updated contact information, including a phone number, e-mail, and mailing address. Thank you for your patience in awaiting our response. You may contact this Office by email at [crcl@dhs.gov](mailto:crcl@dhs.gov) or by phone at 1-866-644-8360, 1-866-644-8361 (TTY). For additional information about the roles and responsibilities of our Office, see <http://www.dhs.gov/civilliberties>.

If you are filing a complaint on behalf of an individual(s), you must provide this Office with expressed written consent from the individual(s), should you wish to receive information about the complaint. Thank you for contacting the Department of Homeland Security's Office for Civil Rights and Civil Liberties.

Director for Review and Compliance  
Office for Civil Rights and Civil Liberties

(b)(6)

---

**From:** (b)(6)  
**Sent:** Monday, April 25, 2011 12:04 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** RE: 11-01-CBP-0016 - Unaccompanied minors - Tucson

(b)(6), (b)(7)(C)

Thanks for your help on this complaint. You were extremely helpful.

CRCL has closed this complaint with no further action.

Duplicate



**Homeland  
Security**

April 25, 2011

(b)(6)

The Florence Immigrant and Refugee Rights Project  
202 E. McDowell Road (b)(6)  
Phoenix, AZ 85004

Re: Complaint No. 11-01-CBP-0016

Dear Ms. (b)(6)

This letter is a follow-up in response to the complaint the Office for Civil Rights and Civil Liberties (CRCL) received from you on October 14, 2010 on behalf of two unidentified unaccompanied minors, who alleged that U.S. Border Patrol (USBP) personnel mistreated them. Specifically, the minors alleged that they were held four days in detention at the Tucson Border Patrol station in a small, noisy, and cold room with many other children, and one of the minors received a dirty blanket.

The USBP is an entity within Customs and Border Protection (CBP) whose mission includes preventing illegal aliens, smugglers, narcotics, and other contraband from entering the United States. When USBP encounters unaccompanied alien children (UAC), it is bound by the terms of the Flores settlement agreement, which guides the treatment of UAC to ensure their well-being while in DHS custody. The agreement mandates that juveniles be afforded appropriate care and protection given their age and vulnerability.

CRCL conducted an inquiry directly with the USBP Tucson Sector Headquarters regarding the information that you provided. The Sector stated that as standard practice, the USBP treats UAC with dignity, respect and with special concern for their particular vulnerability as minors. USBP procedure dictates that holding cell capacity is not exceeded and additional holding cells are opened if the designated juvenile cells are full. Because juveniles from Mexico are normally repatriated within twelve hours, cell capacity varies throughout the day but the Tucson Sector reports that numbers did not exceed the prescribed capacity during the week of September 10, 2010.

During exceptional situations, UAC may be held in custody beyond 24 hours depending on specific circumstances. The USBP reported that during the week of September 10, 2010, two UAC remained in custody over 72 hours. Though unknown if the two UAC were those in your complaint, the USBP reported the children claimed Mexican nationality, were processed as such,

and were later transported to Nogales, Arizona for their interview with the Mexican Consulate. However, the Mexican Consulate determined the UAC were not Mexican and refused their entry into Mexico, which required additional processing time and return transport to the USBP Tucson station. USBP also reported that a shortage of bed space at the Office of Refugee Resettlement shelter further delayed the UAC's transfer from USBP custody. While in USBP custody, however, the Sector reported that practice is to provide UAC with freshly laundered blankets and maintains facility temperatures by a thermostat within the range prescribed by the heating and air conditioning industry.

Based on this Office's review of the facts and circumstances present in this matter, we have concluded that your concerns have been addressed. This concludes our review of this complaint. If you have additional information or allegations regarding inappropriate treatment by officials of the Department, do not hesitate to provide the information. Thank you for bringing this matter to our attention.

Sincerely,



Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



## SHORT FORM COMPLAINT CLOSURE RECOMMENDATION

To: Jeffrey S. Blumberg, Director, Compliance Branch  
From: (b) (6)  
Date: April 25, 2011  
Complaint: Unidentified unaccompanied minors (11-01-CBP-0016)

### Recommendation:

<input checked="" type="checkbox"/> Close: Insufficient information, withdrawal, or lack of jurisdiction <input type="checkbox"/> Close: Issue resolved	<input type="checkbox"/> Convert into long-form complaint <input type="checkbox"/> Other:
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### Complaint Synopsis:

Two unidentified unaccompanied alien children complained to Ms. (b) (6) of the Florence Immigrant and Refugee Rights Project that during the first week of September 2010, U.S. Border Patrol (USBP) personnel held them four days in detention at the Tucson station in a small, noisy, and cold room with many other children, and provided them with dirty blankets.

### Suggested closure method(s):

<input checked="" type="checkbox"/> Close letter to complainant <input type="checkbox"/> Phone call <input type="checkbox"/> Meeting (e.g. mediation, settlement)	<input checked="" type="checkbox"/> Close email/memo to component <input type="checkbox"/> High level component communication <input type="checkbox"/> No notification necessary
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### Explanation:

Two unidentified unaccompanied alien children (UAC) complained to Ms. (b) (6) of the Florence Immigrant and Refugee Rights Project in Arizona that during the first week of September 2010, U.S. Border Patrol (USBP) personnel held them four days in detention at the Tucson station while they awaited transfer to the Office of Refugee Resettlement facility (ORR). The UAC who claimed to be 16 year old minors from Mexico, were held during the same time and complained that they were kept in a small, noisy, and cold room with many other children, and were not able to move freely or sleep properly. One of the UAC also complained to have received a dirty blanket. The UAC requested to remain anonymous.

CRCL conducted an inquiry directly with the USBP Tucson Sector Headquarters. Tucson Sector Headquarters reported that as standard practice, the Tucson Station opens additional holding cells for juveniles if the designated juvenile holding cells are at capacity. Because juveniles from Mexico are normally repatriated within twelve hours, capacity varies throughout the day. In addition, during exceptional situations, UAC may be held beyond Border Patrol's 24 hours policy depending on specific circumstances. The Tucson Sector reported they had two juveniles who were held over 72 hours during the week of September 10. Because the juveniles initially lied to USBP about their country of origin being Mexico, but then admitted being from countries other than Mexico during their interview with the Mexican Consulate in Nogales, Arizona, their time in USBP custody was lengthened because of added processing and return transport to the Tucson station. In addition, once fully processed with accurate information and ready for transfer to HHS/ORR custody, ORR had a lack of available bed space, which

*Protected by deliberative process privileges*

(b)(5)  
required the juveniles to remain in USBP custody until ORR had shelter space available. In response to the allegation regarding the lack of a clean blanket, the Sector responded that, while in custody, according to general policy and process, UAC are provided with freshly laundered blankets, and temperatures are maintained at 72°F with the intent to prevent rooms from becoming too hot during periods of higher capacity and to prevent the spread of illness. The temperature may fluctuate 4°F when groups of individuals are moved in or out of the facility. Because of the UAC's request to remain anonymous, USBP cannot confirm if those two juveniles were the actual complainants. Given the insufficient identifying information, the allegations of mistreatment by USBP cannot be substantiated and no further CRCL investigation is warranted.

**Recommendation:**

(b)(5)(b)(6)  
I recommend that this complaint be closed via close letter to [REDACTED] advising her that, due to insufficient information, the allegations were unsubstantiated and, if she has additional concerns regarding the allegations, she should contact CRCL with additional information. An email should also be sent to CBP officials noting that we have closed this matter. CRCL has conducted several onsite investigations in the Tucson Sector and will continue to visit the Sector to ensure consistent and ongoing implementation of previous Close Memo recommendations.

**Recommendation Accepted:** 

**Not Accepted:** \_\_\_\_\_

**Further Action Required:** \_\_\_\_\_

*Protected by deliberative process privileges*





FLORENCE  
IMMIGRANT  
& REFUGEE  
RIGHTS PROJECT

2601 N. Pinal Pkwy  
P.O. Box 654  
Florence, AZ 85232  
Tel: 520.868.0191  
Fax: 520.868.0192  
Web: www.firrp.org

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Review and Compliance  
245 Murray Lane, SW  
Building 410, Mail Stop #0190  
Washington, DC 20528

VIA FACSIMILE

October 8, 2010

To Whom It May Concern:

This letter is an official complaint regarding the Border Patrol's (BP) treatment of two unaccompanied minors during the time that they spent in BP custody while awaiting transfer to an appropriate ORR-run detention facility, submitted by the Florence Immigrant and Refugee Rights Project (FIRRP).

Both minors were held at the Tucson Border Patrol Station during the first week of September, and both have requested that they remain anonymous for the purposes of this complaint. The first complainant reported being arrested in the desert near Sasabe, Sonora. He was detained for four nights and four days in the Tucson Sector Station. The second was arrested near Sierra Vista, AZ. He was detained for approximately 10 hours in the Nogales station, and then transferred to Tucson, where he spent four days and four nights. The minors both reported their true nationality and age (16) at the time of their arrest, and were in detention in Tucson at approximately the same time. They reported that they were kept in a very small room with many other children, such that they were not able to move freely or sleep properly. There was a very large, loud fan in the room, making it difficult to sleep as it was very cold and noisy. One of the children reported that though he was provided with a blanket, it was very dirty. As an organization that provides legal assistance and advocates on behalf of unaccompanied minors who are under the care of the Office of Refugee Resettlement in Arizona, we are concerned that these conditions and the amount of time that our clients were in detention was a violation of the Flores Settlement Agreement and their basic civil and human rights.

Under Article V, Section 12 of the Flores Settlement Agreement, it is established that "The INS will transfer a minor from a placement under this paragraph to a placement under Paragraph 19 (i) within three (3) days, if the minor was apprehended in an INS district in which a licensed program is located and has space available; or (ii) within five (5) days in all other cases." Capacity records for the Phoenix shelters during the week preceding our two clients' transfer demonstrate that there were indeed beds open in the district.

We hope that this incident will be promptly investigated and forwarded on to the appropriate bodies such that proper action can be taken to prevent similar incidents from occurring in the future. Please do not hesitate to contact the Florence Project with



FLORENCE  
IMMIGRANT  
& REFUGEE  
RIGHTS PROJECT

2601 N. Pinal Pkwy  
P.O. Box 654  
Florence, AZ 85232  
Tel: 520.868.0191  
Fax: 520.868.0192  
Web: www.firrp.org

any questions or concerns you might have regarding this complaint. We welcome the opportunity to meet with you and further assist you in resolving this issue.

Thank you for your attention to this important matter and for your assistance in insuring that unaccompanied minors taken into Immigration custody along the Arizona/Sonora border are treated in accordance with our laws.

Sincerely,

(b)(6)

(b)(6)

The Florence Immigrant and Refugee Rights Project  
202 E. McDowell Road (b)(6)  
Phoenix, AZ 85004  
Tel. 602 (b)(6)  
Fax. 602 (b)(6)

(b)(5)

2)

3)

(b)(6)

---

**From:** (b)(6)

**Sent:** Thursday, March 10, 2011 10:28 AM

**To:** (b)(6)

**Subject:** Draft close letter and short form 11-01-CBP-0016 - Unaccompanied minor

Ready for your review.





Homeland  
Security

December 7, 2010

(b)(6)

Florence Immigrant and Refugee Rights Project  
2061 N. Pinal Parkway  
Florence, AZ 85232

Re: Complaint No. 11-01-CBP-0019

(b)(6)

Dear Ms. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties received a complaint from you on September 30, 2010. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, this Office has the responsibility to review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS). Pursuant to 6 U.S.C. § 345(a)(6) and internal DHS policies, we initially refer all such complaints to the Office of Inspector General. If the Inspector General declines to accept the complaint, it is returned to this Office for handling or reassignment within the Department.

The issues you raise are very important to us, and we are working to provide a written response describing how we will handle this matter. The information you provided or may provide will be used in accordance with 5 U.S.C. § 552 (Freedom of Information Act), 5 U.S.C. § 552a (Privacy Act), 6 U.S.C. § 345 (Homeland Security Act), 42 U.S.C. § 2000ee-1 (9/11 Commission Act), 44 U.S.C. § 3101 (Federal Records Act) and other relevant federal laws. While we will seek to prevent unnecessary disclosure of the information provided, we may need to share some of this information with relevant persons. Also, we may be required by law or government policy to release information, in whole or in part, to other government agencies, Congress, and other private individuals. Such disclosures may be mandatory under the Privacy Act, the Freedom of Information Act, the Federal Records Act, and other statutes or regulations. When disclosures are made, personal information will be redacted to the extent permissible. A discussion of your rights under the Freedom of Information Act and the Privacy Act can be found at <http://www.pueblo.gsa.gov/call/foia.htm> or in the attached materials.

Please provide us your updated contact information, including a phone number, e-mail, and mailing address. Thank you for your patience in awaiting our response. You may contact this Office by email at [crcl@dhs.gov](mailto:crcl@dhs.gov) or by phone at 1-866-644-8360, 1-866-644-8361 (TTY). For additional information about the roles and responsibilities of our Office, see <http://www.dhs.gov/civilliberties>.

If you are filing a complaint on behalf of an individual(s), you must provide this Office with expressed written consent from the individual(s), should you wish to receive information about the complaint. Thank you for contacting the Department of Homeland Security's Office for Civil Rights and Civil Liberties.

Director for Review and Compliance  
Office for Civil Rights and Civil Liberties



Homeland  
Security

March 25, 2013

(b)(6)

Florence Immigrant and Refugee Rights Project  
202 E McDowell Rd., (b)(6)  
Phoenix, AZ 85004

Re: Complaint No. 11-01-CBP-0019

(b)(6)

Dear Ms. (b)(6)

On September 30, 2010, CRCL received a faxed complaint from the Florence Immigrant and Refugee Rights Project on behalf of unaccompanied alien child (UAC) (b)(6). The complaint alleges that during her August 31, 2010 apprehension by U.S. Border Patrol (USBP), Ms. (b)(6) spent a total of one day and one night in custody at three different USBP stations in Arizona: Douglas Station (Douglas), Nogales Station, and the Tucson (Sector) Coordination Center (TCC). Initially, Ms. (b)(6) stated that she was a 27-year-old female from Mexico, but later during her detention she disclosed that she actually was a 17-year-old citizen of El Salvador.

Although Ms. (b)(6) does not name a specific USBP station, she alleges that, while she was detained as an adult, her sweater was taken away so that she was only wearing a thin shirt while the air conditioning was turned very low, that she was given a blanket that smelled so bad she couldn't use it, that she was not fed, and that she was forced to stand for long periods of time while waiting to be processed. In contrast, after disclosing that she was a juvenile, the complaint alleges that Ms. (b)(6) was given a clean blanket, was fed well, and was allowed to sit down as the other detained minors were processed one-by-one. However, the complaint also alleges that after disclosing that she was a juvenile, Ms. (b)(6) was not separated from adults and was forced to sign papers in English that she did not understand. The complaint finally alleges that Ms. (b)(6) belongings were not returned to her, and she was told that if she wanted her belongings back she would be in detention for a very long time.

On January 5, 2011, CRCL referred the complaint to U.S. Customs and Border Protection Internal Affairs (CBP-IA) for investigation. On December 18, 2012, CBP-IA provided this Office with USBP's response to our inquiry. CRCL reviewed USBP's response (Response), and we concur with the findings and conclusions.

Based on the Response, we were unable to substantiate the allegation that Ms. (b)(6) was provided a dirty blanket, as the USBP stations do not record this type of information. However, the Response states that Douglas launders its blankets weekly. We were also unable to

substantiate whether Ms. (b)(6) was required to stand for an excessive amount of time while waiting to be processed, because USBP does not keep records on whether or for how long aliens stand or wait in the processing area. However USBP asserts that chairs are placed against the wall in the processing area of the Douglas station for aliens to sit while they await their processing turn. We were also unable to substantiate whether Ms. (b)(6) was provided with appropriate meals while in USBP custody, as the Douglas station was not recording when meals were provided to aliens at that time; however this has recently become a requirement. Neither were we able to substantiate the allegation that USBP did not return Ms. (b)(6) belongings. In response to this allegation, USBP responded that, had an agent taken any of Ms. (b)(6) belongings from her at the station, the agent would have been required to record that information, provide Ms. (b)(6) with a receipt, and then return those belongings upon her presentation of the receipt and departure from the station. We were unable to substantiate the allegation that USBP coerced Ms. (b)(6) into signing forms she did not understand. The USBP Response asserts that all agents speak Spanish and will translate English language forms for any alien who requests assistance, but there was no information in her processing records to demonstrate that Ms. (b)(6) made such a request. Further, USBP indicated that no detainee is ever coerced into signing papers he/she does not understand...

Finally, USBP records demonstrate that Ms. (b)(6) reported that she was a minor on August 31, 2010, the day of her apprehension, and that she was treated as a minor from that point forward, which would have required her to be separated from adults. However, given that she initially reported being an adult prior to her reporting her true age, she would have been held with adult females as required by USBP policy.

In conclusion, due to the lack of records relating to several of the allegations, and evidence to the contrary on others, we were unable to substantiate the allegations in your complaint. Consequently, we are closing your complaint at this time.

We appreciate you bringing this matter to our attention and we thank you for your patience while we investigated this matter. If in the future you have concerns relating to civil rights and civil liberties violations by DHS, please contact this Office by phone at 866-644-8360, 866-644-8361 (TTY), or by email at [crcl@dhs.gov](mailto:crcl@dhs.gov)

Sincerely,



Jeffrey S. Blumberg  
Director for Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security





OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)  
COMPLAINT WITHOUT RECOMMENDATIONS  
CLOSURE MEMORANDUM

To: Jeffrey S. Blumberg  
From: (b) (6)  
Date: March 25, 2013  
Complaint Number: 11-01-CBP-0019  
Complainant Name (Alien Number): (b) (6)

**Reason(s) for Closure without Recommendations (check all that apply):**

<input type="checkbox"/> Insufficient information to investigate <input type="checkbox"/> Withdrawal of complaint <input type="checkbox"/> Lack of jurisdiction <input type="checkbox"/> Allegation(s) untimely/overtaken by events <input type="checkbox"/> Component and/or facility has already corrected the problem <input checked="" type="checkbox"/> Allegation(s) against component, individual, and/or facility unfounded or unsubstantiated	<input type="checkbox"/> Allegation(s) substantiated but does not warrant recommendations <input type="checkbox"/> No finding of detention standards violations <input type="checkbox"/> No finding of policy or procedure violations <input type="checkbox"/> Complaint added to information layer and closed (linked) <input type="checkbox"/> Complaint being handled as part of another related complaint (related) <input type="checkbox"/> Other (provide details):
---	--

**Complaint Synopsis and Explanation of Closing Rationale:**

On September 30, 2010, CRCL received a faxed complaint from the Florence Immigrant and Refugee Rights Project on behalf of unaccompanied alien child (UAC) (b) (6). The complaint alleges that during her August 31, 2010 apprehension by U.S. Border Patrol (USBP), Ms. (b) (6) spent a total of one day and one night in custody at three different USBP stations in Arizona: Douglas Station (Douglas), Nogales Station, and the Tucson (Sector) Coordination Center (TCC). Initially, Ms. (b) (6) stated that she was a 27-year-old female from Mexico, but later during her detention she disclosed that she actually was a 17-year-old citizen of El Salvador.

Although Ms. (b) (6) does not name a specific USBP station, she alleges that, while she was detained as an adult, her sweater was taken away so that she was only wearing a thin shirt while the air conditioning was turned very low, that she was given a blanket that smelled so bad she couldn't use it, that she was not fed, and that she was forced to stand for long periods of time while waiting to be processed. In contrast, after disclosing that she was a juvenile,<sup>1</sup> the complaint alleges that Ms. (b) (6) was given a clean blanket, was fed well, and was allowed to sit down as the other detained minors were processed one-by-one. However, the complaint also alleges that after disclosing that she was a juvenile, Ms. (b) (6) was not separated from adults and was forced to sign papers in English that she did not understand. The complaint finally alleges that Ms. (b) (6) belongings were not returned to her, and she was told that if she wanted her belongings back she would be in detention for a very long time.

<sup>1</sup> While Ms. (b) (6) does not state at which station she made this disclosure, USBP reported that it occurred while she was detained at TCC.

On January 5, 2011, CRCL referred the complaint to U.S. Customs and Border Protection Internal Affairs (CBP-IA) for investigation. On December 18, 2012, CBP-IA provided this Office with USBP's December 29, 2011 response (Response) to our inquiry.

Several of the concerns in the complaint are not able to be verified by record checks. For example, the Response states that clean blankets are provided in every holding cell and dirty blankets are laundered once per week, but stations do not record whether a specific detainee was provided a clean blanket. While USBP conceded that it is possible that a dirty blanket could have been left in the cell that Ms. (b) (6) was placed in, there is no way to verify whether Ms. (b) (6) picked up a dirty blanket that was already in the cell or whether she was given a clean blanket. Nor is there a record of when Ms. (b) (6) was fed. While the lack of USBP feeding records raises concerns, in March of 2012, CBP instituted the e3 juvenile logging system, which should alleviate the lack of record-keeping we have seen regarding meals. Further, because a DHS Headquarters UAC Working Group is addressing these same concerns with USBP headquarters, as well as through a pilot project located in south Texas, and CRCL's participation in a revision of USBP's *Hold Rooms and Short Term Custody* policy, we expect that these types of issues will be rectified. ...

Additionally, there are no records addressing whether Ms. (b) (6) was required to stand for long periods of time while waiting to be processed. The Response noted, however, that a USBP surprise inspection of the Douglas station in connection with USBP's investigation into this complaint showed that benches are in all cells, chairs are in front of every processing station at Douglas,<sup>2</sup> and detainees are only required to stand while being fingerprinted and signing papers.<sup>3</sup> ...

The Response noted that all USBP agents are fluent in Spanish and therefore able to translate any papers the detainee wishes to be explained. In addition, according to the Response, no detainee is ever coerced into signing papers he/she does not understand. This issue is also being addressed by the DHS Headquarters working group, and will also be addressed in CRCL's participation in the revision of the hold room policy.

The Response also noted that if any of Ms. (b) (6)'s personal property was taken from her, it would have been inventoried on a USBP Form I-77. There was no I-77 in Ms. (b) (6)'s file, which suggests that her sweater and other personal property were not taken from her, nor were they kept by USBP under threat of continued detention, according to the Response.

Finally, the Response stated that Ms. (b) (6) was apprehended at 2:10am on August 31, 2010, and she declared herself a UAC at 9:24pm on August 31, 2010. USBP asserts that she began to be treated as a UAC the moment she declared herself to be one. Custody was transferred to the ICE Field Office Juvenile Coordinator (FOJC) at 7:44am the next morning, September 1, 2010. We can assume this transfer of custody was for transport to and placement

---

<sup>2</sup> CRCL has previously conducted on site investigations at all three USBP stations where Ms. (b) (6) was held and observed that each has built-in benches in every cell.

<sup>3</sup> During past CRCL on sites at each of these three USBP stations, we have observed this, but cannot verify that chairs are present in every station's processing area, or that they are placed there on a consistent basis. Regardless, given that Ms. (b) (6) doesn't state how long she was forced to stand, we cannot determine whether any length of time she claims she may have stood was excessive.

(b)(5)

in the designated ORR facility, as that is the established process and only reason for transfer of a UAC from USBP to an ICE FOJC.

In conclusion, based on the Response from USBP, the lack of records available, and the current and ongoing work to address these issues through other means mentioned earlier, I recommend that we close this complaint without further action. CRCL is working internally to address many of these issues through various other means.

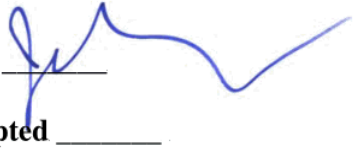
**Suggested Closure Method(s) (*check all that apply*):**

(b)(5)

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Close letter to complainant | <input type="checkbox"/> Close email/memo to component                             |
| <input type="checkbox"/> Phone call                             | <input type="checkbox"/> High level component communication                        |
| <input type="checkbox"/> No notification necessary              | <input type="checkbox"/> Close Memo ( <b>No contact information</b> ) <sup>4</sup> |
| <input type="checkbox"/> Other ( <i>provide details</i> ):      |  |

**Comments (*optional*):**

**For Completion by Reviewer:**

Closure Recommendation Accepted 

Closure Recommendation Not Accepted \_\_\_\_\_

Further Action Required: \_\_\_\_\_

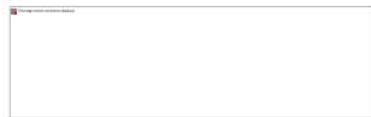
**From:** (b)(6)  
**Sent:** Friday, September 09, 2011 1:14 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6)  
**Subject:** FW: CRCL Short Form Complaint  
**Attachments:** (b)(6) Original Complaint0001.pdf

(b)(6), (b)(7)(C)

See the below string. The short form email request for the complaint in question is at the bottom. ...

(b)(6)

Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005  
202-357 (b)(6)  
(b)(6) @dhs.gov



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(b)(6), (b)(7)(C)

Non Responsive

11-01-CBP-0019 (201103392): I don't see that I have received any responsive information from CBP on this complaint. If it was submitted, I don't have it. Can you please re send through (b)(6), (b)(7)(C)

Thanks,

(b)(6)

Senior Policy Advisor  
DHS Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC  
202-357 (b)(6)



---

(b)(6)@dhs.gov

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Hi (b)(6) if the information satisfies your needs please advise so we can close out our files. In turn, please let me know if you require additional information. Thanks!

(b)(6),(b)(7)(C)

Investigative Operations Division

202 (b)(6),(b)(7)(C) desk  
202 (b)(6),(b)(7)(C) mobile

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**From:** (b)(6)@dhs.gov]  
**Sent:** Monday, March 21, 2011 11:17 PM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** Re: CRCL

Non Responsive (b)(6) I'll get back to you then. OK with you?

(b)(6)

-----  
Sent from my BlackBerry Wireless Device

**From:** (b)(6),(b)(7)(C)@dhs.gov]  
**Sent:** Monday, March 21, 2011 12:21 PM  
**To:** (b)(6)@dhs.gov>  
**Subject:** FW: CRCL

Hi (b)(6)

At your convenience can you advise if we can close these files out on our side or if additional info is required from us?

Thanks

(b)(6),(b)(7)(C)

---

Investigative Operations Division  
202 (b) (6) desk  
202 (b) (6) mobile

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**From:** (b) (6)  
**Sent:** Friday, March 18, 2011 12:01 PM  
**To:** (b) (6)  
**Subject:** CRCL

(b) (6)

LER inquired as to the status of these 2 CRCL cases. The case numbers are CRCL 10-05-CBP-0063 (201013958) and CRCL 11-01-CBP-0019 (201103392). Is there any way to find out if CRCL has issued a closing report on these?

Thanks

(b) (6)

**From:** (b) (6)  
**Sent:** Wednesday, January 05, 2011 6:28 PM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** CRCL Short Form Complaint

(b)(5)  
When we met during the summer, we discussed changes to CRCL's complaint process under our new Officer. We are now treating some complaints as "short form." These types of complaints generally involve less issues, smaller issues, or issues that can be resolved easily and informally, and therefore don't require a full-on investigation or a lengthy report documents.

Today I am sending the first short form complaint involving Border Patrol. FYI - the original complaint is attached...

The complainant is Unaccompanied Minor, (b) (6) CRCL Complaint  
No. 11-01-CBP-0019

Below are questions CRCL needs responses to, to resolve this matter quickly and informally. Please cite or provide electronic records/documents when relevant to the questions (i.e. E3 record of meals and of UAC status, telephone calls, etc.). If no record exists where one should exist, please note.

**Douglas:**

- 1) (b)(5)(b)(6) Is the Douglas station treating adults in accordance with Border Patrol's Hold Room Policy?
- 2) Does the Douglas Station provide blankets to aliens in custody? Are blankets in the holding cells, or do individuals in custody have to request a blanket?
- 3) How often does the Douglas Station clean/laundry their blankets?
- 4) Is it possible that an individual in a Douglas Station holding cell might get a blanket that is dirty, smells bad, and is in need of laundering?
- 5) Was Ms. (b) (6) provided a meal while in custody at the Douglas station?
- 6) Are aliens required to stand for long periods of time while awaiting processing at the Douglas station?
- 7) Are adult aliens and unaccompanied minor aliens organized together for processing? If so, what precautions are taken to oversee and protect the minors?
- 8) Does the Douglas station hold unaccompanied minors in the same holding cells with unknown adults, or with unrelated adults, or with unrelated families?

**Nogales:**

- 1) (b)(5) Are aliens at the Nogales Border Patrol station being treated according Border Patrol hold room policy?

**Tucson:**

- 1) (b)(5)(b)(6) How/when did Tucson become aware that Ms. (b) (6) was an unaccompanied minor?
- 2) When Tucson became aware of her status as a minor, did the station immediately separate her from unknown/unrelated adults? Explain what occurred.
- 3) Was Ms. (b) (6) provided the opportunity to call her family and attorney, as well as the Consulate? If not, why not?
- 4) Was Ms. (b) (6) coerced into signing papers without translation services? Provide CRCL with copies of all documents requiring and demonstrating her signature.
- 5) Were the minor's belongings returned to her upon her transfer to ORR?

Please let me know if you have questions. Thank you.

(b) (6)

Senior Policy Advisor  
DHS Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
Washington, DC  
202-357- (b) (6)  
(b) (6) @dhs.gov

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FLORENCE  
IMMIGRANT  
& REFUGEE  
RIGHTS PROJECT

2601 N. Pinal Pkwy  
P.O. Box 654  
Florence, AZ 85232  
Tel: 520.868.0191  
Fax: 520.868.0192  
Web: www.firrp.org

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Review and Compliance  
245 Murray Lane, SW  
Building 410, Mail Stop #0190  
Washington, DC 20528

VIA FACSIMILE

September 30, 2010

To Whom It May Concern:

This letter is an official complaint on behalf of (b)(6) regarding an instance of maltreatment by the Border Patrol at the time of her detention, submitted by the Florence Immigrant and Refugee Rights Project (FIRRP).

(b)(6) spent one day and one night in Border Patrol detention, in three different holding centers (Douglas, Nogales, and Tucson). At the time of her arrest, she claimed to be a 27 year old woman from Mexico, later disclosing the truth to BP agents; that she was seventeen and from El Salvador. Because of this, (b)(6) was treated as an adult for the first part of her time in detention, and as a minor for the second part. She reported a striking disparity in the treatment that she received. As an 'adult,' her sweater was taken away so that she was only wearing one thin shirt, after the AC was turned very low. She was given a blanket that smelt so bad that she couldn't use it. She was also not fed, and was forced to stand for long periods of time, waiting to be processed. In contrast, after declaring that she is a juvenile, (b)(6) was given a new, clean blanket, fed well, and was allowed to sit down as they called minors one by one. Of note, (b)(6) was not taken to a separate room after she was found to be a juvenile, but rather kept with adults. In addition, she was still forced to sign papers that she did not understand, and was not returned her belongings, as she was told that she would be in detention for a very long time if she wanted them.

As an organization that provides legal assistance and advocates on behalf of unaccompanied minors who are under the care of the Office of Refugee Resettlement in Arizona, we are deeply concerned that aspects of (b)(6) experience in detention were in direct violation of the Flores Settlement Agreement. In addition, her story indicates a disturbing inconsistency in the dignity and rights afforded to adults versus children in Border Patrol custody.

Regarding (b)(6) treatment as a juvenile, both her continued detention with adults even after she declared herself to be a juvenile, and the fact that she was forced to sign papers without an adequate explanation or understanding of what they meant were violations of both the Flores Settlement Agreement and the Juvenile Protocol Manual. Article V, section 12 of the Flores Settlement Agreement and Section 2.3.2 of the Juvenile Protocol Manual establish that juveniles will be separated from unrelated adults whenever possible. We are aware that in at least the Nogales and Tucson Border



FLORENCE  
IMMIGRANT  
& REFUGEE  
RIGHTS PROJECT

2601 N. Pinal Pkwy  
P.O. Box 654  
Florence, AZ 85232  
Tel: 520.868.0191  
Fax: 520.868.0192  
Web: www.firrp.org

Patrol holding stations, this possibility exists. In addition, the Juvenile Protocol Manual section 2.1.1 states that "The Arresting Officer must explain the documents in the juvenile's native tongue in terms the juvenile can understand." (b)(6) does not speak English, though the documents she signed were in that language and not explained to her.

However, as concerning as these concrete violations of (b)(6) rights in detention as an unaccompanied minor are, equally disturbing is the fundamental lack of respect that she experienced as an "adult" in detention. Though we are aware that more official standards exist regarding the treatment of juveniles than that of adults, we hope that the spirit of these standards – to ensure the safety and dignity of people in detention – applies to all people, regardless of age, gender, race, linguistic ability or nationality. In (b)(6) words, "In the end, we are all people, we are all brothers and sisters, and we should be treated the same."

Attached is a formal declaration by the concerned minor, detailing the abusive treatment that she experienced in as much detail as she can recall. Also attached is a consent form giving the Florence Project authority to receive personal information regarding (b)(6) case with your office and any related information regarding this incident of abuse and its subsequent investigation.

We hope that this incident will be promptly investigated and forwarded on to the appropriate bodies such that proper action can be taken to prevent similar incidents from occurring in the future. Please do not hesitate to contact the Florence Project with any questions or concerns you might have regarding this complaint. We welcome the opportunity to meet with you and further assist you in resolving this issue.

Thank you for your attention to this important matter and for your assistance in insuring that all people taken into Immigration custody along the Arizona/Sonora border are treated in accordance with our laws and the common standards of decency and dignity upon which they are founded.

Sincerely,

(b)(6)

(b)(6)

The Florence Immigrant and Refugee Rights Project  
202 E. McDowell Road (b)(6)  
Phoenix, AZ 85004  
Tel. 602 (b)(6)  
Fax. 602 (b)(6)

Attachments:

- Affidavit of Alleged Abuse of (b)(6)
- Release of Information, signed by (b)(6)
- Certificate of Translation



## Affidavit of Abuse

I, (b)(6) do swear under penalty of perjury that the following declaration is true and correct to the best of my knowledge and that it has been read back to me in Spanish.

- 1) I am seventeen years old and a native and citizen of El Salvador.
- 2) I entered the United States on or around August 30<sup>th</sup>, 2010 in Agua Prieta, Sonora by jumping over the wall.
- 3) I was arrested and taken to the Douglas Border Patrol station. At the time of my arrest, I told the agent that I was 27 years old and from Mexico. They said that they did not believe me, but treated me as an adult anyways.
- 4) When I got to the station, the agents treated us very badly, yelling at everyone and making us all stand, not letting us sit down while they processed us all. I did not understand what they were saying because it was in English, but they sounded very angry.
- 5) When they were processing us, we were searched. I felt very uncomfortable, even though it was a woman who was searching me. She touched me all over.
- 6) I was put into a room with women and minors. Some of the minors were with their families but others were alone. The room was very, very cold. On top of this, they took away my sweater, my shoelaces and bag. I was provided with a blanket, but it smelt so bad that I could not use it.
- 7) We were moved from the Douglas station to Nogales, where we spent a few hours. We were treated badly there as well. Finally, we were taken to the Tucson Border Patrol station.
- 8) After I had been in detention for a few hours and we arrived in Tucson, I was very scared and sad because of how they were treating me. I told them the truth, that I am 17 and from El Salvador. At first they didn't believe me, but then they started to treat me significantly better. They brought me a clean blanket, and gave me food (a hamburger, juice, crackers, and milk). As minors, we were allowed to sit down, and when the BP agents needed to talk to us, they would call us one by one. They also yelled less.
- 9) Even after I told the BP that I was a minor, traveling alone, they kept me in the same room as the adults.
- 10) I was told that I could make a phone call to the Mexican consulate, but not to any family or a lawyer. When I asked to call the El Salvadoran consulate, because I am not Mexican, I was told that this was not allowed.

- 11) I was made to sign papers that I did not understand, and they were not explained to me. The BP agent said that if I didn't sign they wouldn't let me out. However, the papers were in English and I did not understand what they said. I did not feel like I had an option in signing them.
- 12) When I left BP detention to come to the shelter that I am at now, I asked for my bag back. The agents told me that if I wanted my bag I would be in detention for a very long time. I was really scared so I let them keep my bag.
- 13) Thinking about my experience in Border Patrol detention, the worst thing was that they don't treat adults and minors equally. In the end, we are all people, we are all brothers and sisters, and we should be treated the same.

Executed in Phoenix, Arizona, September 20, 2010.

(b)(6)

Date: 20-9-2010  
(Sept. 20, 2010)



I, (b)(6)

authorize the United States Department of Homeland Security to share personal information regarding this official complaint with the Florence Immigrant and Refugee Rights Project.

*Yo autorizo al Departamento de Seguridad Nacional de los Estados Unidos a compartir información personal respecto a esta queja oficial con el Proyecto Florence para los Derechos de Inmigrantes y Refugiados.*

(b)(6)

Date: 20-9-2010  
(Sept. 20, 2010)

## CERTIFICATE OF TRANSLATION

I, (b)(6), certify that I am competent to translate the foregoing declaration of (b)(6), originally made before me in Spanish, and that the translation is true and accurate to the best of my abilities.

I certify that under penalty of perjury that this translation is true and correct pursuant to USC sec. 1746.

Date: 9/21/2010

(b)(6)

**From:** (b)(6)@dhs.gov]  
**Sent:** Monday, December 06, 2010 12:25 PM  
**To:** (b)(6)  
**Subject:** RE: Complaint No. 11-01-CBP-0019

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

---

**From:** (b)(6)@associates.dhs.gov]  
**Sent:** Friday, December 03, 2010 2:23 PM  
**To:** (b)(6)  
**Cc:**  
**Subject:** Complaint No. 11-01-CBP-0019

**PLEASE REVIEW.**

This matter concerns an **unaccompanied minor**. On September 30, 2010, CRCL received faxed correspondence from (b)(6) of the Florence Immigrant and Refugee Rights Project ("Florence Project"), reporting allegations of improper treatment of an unaccompanied minor, Ms. (b)(6) by unidentified Border Patrol (BP) personnel while she was detained by BP at three holding centers at border patrol stations in Arizona (Douglas, Nogales, and Tucson) for a total of one day and one night on or around August 30, 2010. At the time of her arrest by BP, Ms. (b)(6) a 17-year-old from El Salvador, initially claimed she was a 27-year-old woman from Mexico. Therefore, she was treated as an adult for the first portion of her time in detention (while she was at Douglas and Nogales BP Stations). After she had been in detention for several hours, she disclosed to BP at the Tucson BP Station that she is 17 years old and from El Salvador. Ms. (b)(6) reported a striking disparity between the way she was treated as an "adult" and as a minor. At the Douglas station, where she had told staff that she was adult, her sweater and bag were taken away, and the air conditioning made the room temperature very cold. Ms. (b)(6) alleges that she was given a blanket that smelled so bad that she could not use it. Furthermore, she claims that she was not

fed, and was forced to stand for long periods of time, waiting to be processed, in a room with other women and minors (some of whom were unaccompanied). She claims that she was treated badly at the Nogales station as well. After she arrived at the Tucson station and informed BP staff that she is a minor, she states that the staff there treated her significantly better than she had been treated as an "adult" at Douglas and Nogales, giving her a clean blanket and food (hamburger, juice, crackers, and milk) and allowing her to sit down as the minors were individually called for processing. However, Ms. (b)(6) was not taken to a separate room after she disclosed she was a juvenile; she was still held with unrelated adults. In addition, Ms. (b)(6) claims that she was coerced into signing papers written in English that she did not understand, was not returned her bag containing her belongings, and was told that she would be kept in detention for a long time if she wanted her bag back. The Florence Project expresses concerns that aspects of Ms. (b)(6) conditions of detentions are in violation of the *Flores* Settlement Agreement. The Florence Project further expresses concerns about a disparity in the rights afforded to adults and children in BP custody.

Enclosed is an affidavit describing Ms. (b)(6) allegations, signed by Ms. (b)(6) and translated into English by Mr. (b)(6) (No Spanish language version is enclosed. Mr. (b)(6) enclosed a Certificate of Translation certifying that he is qualified to translate that information from an account given to him in Spanish.)

Note:

An EARM search by CRCL finds that (b)(6) are the complainant's last name. (b)(6) is her surname.

Thank You,

(b)(6)



**From:** (b)(6),(b)(7)(C)@dhs.gov]  
**Sent:** Friday, September 09, 2011 12:52 PM  
**To:** (b)(6)  
**Subject:** RE: CRCL

If not too much trouble, thanks.

(b)(6),(b)(7)(C)  
Office of Internal Affairs  
Joint Intake Center  
Desk Phone (202) (b)(6),(b)(7)(C)

---

**From:** (b)(6)@dhs.gov]  
**Sent:** Friday, September 09, 2011 12:49 PM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** RE: CRCL

(b)(6),(b)(7)(C)

This was a short form complaint, which was sent to you and (b)(6),(b)(7)(C) haven't received a response on this matter yet, as far as I can tell. I've checked email and there's nothing in the file. Did I miss something coming in? I can re-send the short form email with the questions we wanted a response to if you wish.

(b)(6)

Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005  
202-357 (b)(6)  
(b)(6)@dhs.gov



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**From:** (b)(6),(b)(7)(C)@dhs.gov]  
**Sent:** Friday, September 09, 2011 9:32 AM  
**To:** (b)(6)  
**Subject:** FW: CRCL

(b)(6)

Non Responsive

When time permits, can you let me know the status you show for 11-01-CBP-0019?

(b)(6),(b)(7)(C)

---

**From:** (b)(6),(b)(7)(C)  
**Sent:** Thursday, September 08, 2011 11:56 AM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** CRCL

(b)(6),(b)(7)(C)

When you have a moment, can you look at this CRCL case file?

201103392	Unknown	Mistreatment	TCA	1/20/2011	11-01-CBP-0019
-----------	---------	--------------	-----	-----------	----------------

(b)(6),(b)(7)(C)

*Assistant Chief  
HQOBP - Detailed to Internal Affairs/IOD  
1300 Pennsylvania Ave. NW, Suite 8.3D  
Washington, D.C. 20229  
202 (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C)@dhs.gov*

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# Short form #3

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**From:** DHSOIGHOTLINE  
**Sent:** Friday, January 27, 2012 10:20 AM  
**To:** JOINT INTAKE  
**Cc:** CRCLCompliance  
**Subject:** DHS OIG C1205568

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information is furnished for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.





Homeland  
Security

July 18, 2012

(b)(6)

Sherman Oaks, CA 91401

Re: Complaint No. [12-04-ICE-0194]

Dear Mr. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on January 27, 2012 regarding Mr. and Mrs. (b)(6) Ms. (b)(6) forward to CRCL by DHS OIG. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS).

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at [crcl@hq.dhs.gov](mailto:crcl@hq.dhs.gov), by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch  
245 Murray Lane, SW  
Building 410, Mail Stop 0190  
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint, if you have not already done so. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,



Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

### **Privacy Act Statement**

**Authority:** 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1 authorizes the collection of this information.

**Purpose:** The Department of Homeland Security (DHS) will use this information to review and investigate complaints and information from the public about possible violations of civil rights and/or civil liberties relating to DHS employees, programs, or activities.

**Routine Uses:** This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information, as necessary, with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ALL-029 Civil Rights and Civil Liberties Records System of Records.

**Disclosure:** Furnishing this information to CRCL is voluntary; however, failure to furnish the requested information may delay or prevent CRCL from adequately reviewing and investigating your complaint. If necessary, CRCL may also request additional information from you in order to determine the appropriate manner to address your concerns.

To learn more about the Privacy Act, go to [www.dhs.gov/privacy](http://www.dhs.gov/privacy).



**Homeland  
Security**

March 14, 2014

(b)(6)

Los Angeles, CA 90003

Re: Complaint No. 12-04-ICE-0194

Dear Mr. (b)(6)

This letter is a follow-up to the complaint the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from (b)(6) that was forwarded to our office from the DHS Office of Inspector General on January 24, 2012, regarding your treatment during the execution of a warrant by U.S. Immigration and Customs Enforcement (ICE) agents. The complaint alleges that two dogs were shot and killed during the execution of a criminal warrant aimed at a different address.

In a letter sent to you on July 18, 2012, CRCL informed you that, pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, we would review your complaint and notify you of the outcome of any investigation conducted. CRCL has received and reviewed relevant documents from ICE regarding this unfortunate occurrence. However, based upon the review, CRCL will take no further action. The information received from ICE indicates that during the execution of a criminal narcotics warrant in the house behind your home, ICE officers encountered two dogs who they were forced to kill to protect officer safety after diversionary tactics failed to work. Given the collocation of the two properties, and the concern for office safety during the execution of the warrant, CRCL is closing this matter.

We appreciate your bringing these matters to our attention. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

(b)(6)

Acting Director for Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



**Homeland  
Security**

March 14, 2014

(b)(6)

Los Angeles, CA 90003

Re: Complaint No. 12-04-ICE-0194

Dear Ms. (b)(6)

This letter is a follow-up to the complaint the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from (b)(6) that was forwarded to our office from the DHS Office of Inspector General on January 24, 2012, regarding your treatment during the execution of a warrant by U.S. Immigration and Customs Enforcement (ICE) agents. The complaint alleges that two dogs were shot and killed during the execution of a criminal warrant aimed at a different address.

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Acting Director for Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security





**Homeland  
Security**

March 14, 2014

(b)(6)

Los Angeles, CA 90003

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(b)(6)

Acting Director for Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



**Homeland  
Security**

March 14, 2014

(b)(6)

Los Angeles, CA 90003

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Sincerely,

(b)(6)

Acting Director for Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



**Homeland  
Security**

March 14, 2014

(b)(6)

Los Angeles, CA 90003

Re: Complaint No. 12-04-ICE-0194

Dear Mr. (b)(6)

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Sincerely,

(b)(6)

Acting Director for Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

**From:** CRCL\_DHSOIGHotline  
**To:** (b)(6)  
**Cc:**  
**Subject:** RE: CRCL Complaint Number 13-01-DHS-0021 Box 1  
**Date:** Friday, November 09, 2012 10:35:52 AM

---

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information is furnished for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

---

**From:** (b)(6)@hq.dhs.gov]  
**Sent:** Friday, November 09, 2012 8:39 AM  
**To:** CRCL\_DHSOIGHotline  
**Cc:** (b)(6)  
(b)(6)  
**Subject:** CRCL Complaint Number 13-01-DHS-0021

DHS OIG,

Summary of new complaint for your review:

On October 18, 2012 CRCL received email correspondence from HHS/ORR Federal Field Specialist Supervisor, (b)(6) regarding detainee (b)(6) (b)(6) an unaccompanied minor. (b)(6) alleges that when he was first detained, immigration officials isolated him for ten days in a room that was freezing cold when they discovered (b)(6) had lied about his age. The incident was reported on October 1, 2012.

Additionally, since this incident, (b)(6) has had multiple headaches and nerves. Nerves is described as trembles, weakness, headaches, reduced concentration, a reduced ability to react, reduced ability to talk, and insomnia at night. (b)(6) believes this is the result of a head trauma from three years ago and re-surfaced after his detention. In regards to these symptoms, (b)(6) has been treated at the detention center's medical facility by a clinician. The clinician will follow up with Medical Coordinator, lead Clinician, and Staff with Clinical Coordinator in order to address clients concerns.

Thank you.



(b)(6)

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

202-357-

(b)(6)

(b)(6)

@hq.dhs.gov

*This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email.*

(b)(6)

---

From: (b)(6)  
Sent: 28 Jul 2014 16:19:41 -0400  
To: (b)(6)  
Subject: RE: Please look up for possible close - (b)(6)  
Thank you, (b)(6)

---

**From:** (b)(6)  
**Sent:** Monday, July 28, 2014 4:06 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: Please look up for possible close - (b)(6)

Hi (b)(6)

It sounds like a quick close-out then. I will be working it and copy you on the updates.

Thanks,  
(b)(6)

---

**From:** (b)(6)  
**Sent:** Monday, July 28, 2014 3:48 PM  
**To:** (b)(6)  
**Subject:** Please look up for possible close - (b)(6)

(b)(6) before she left, (b)(6) instructed me to ask if you will please help to close this matter:

Please look at EARM regarding complaint **13-01-ICE-0021** (b)(6) to determine if it can be closed. The complaint was initially assigned to (b)(6) who didn't do much with it after we discovered the allegation involved ICE and not Border Patrol as was reported. Because the UAC initially lied about his age when Border Patrol processed him (reporting to be an adult), he went into an (b)(5)

(b)(5) Can you please help with it? Thanks!

(b)(6)

Hi (b)(6)

Can you please log in these two Unaccompanied Minor matters?

I've saved EARM records for the first individual (b)(6). I'll look up the second individual's later today. In that second report, the location is McAllen, Texas, for the detention center in the second report. Please let me know if you have questions, as the level of details in these types of reports from HHS vary greatly.

Thanks

(b)(6)

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
202-357-(b)(6)

(b)(6)@hq.dhs.gov

**From:** (b)(6)  
**Sent:** Thursday, October 18, 2012 12:40 PM  
**To:** CRCLCompliance  
**Cc:** (b)(6)  
**Subject:** FW: Two allegations of abuse by DHS

2 new Unaccompanied Minor complaints.

(b)(6)

**From:** (b)(6)@acf.hhs.gov]  
**Sent:** Wednesday, October 17, 2012 10:51 AM  
**To:** (b)(6)  
**Subject:** Two allegations of abuse by DHS

Hi (b)(6)

Please find to allegations of abuse that came in last week.

(b)(6)

DHHS/ACF/ORR/DUCS  
Federal Field Specialist Supervisor  
2900 Louisiana Street  
Houston, TX 77006  
PH: 202-(b)(6)  
[www.acf.hhs.gov/programs/orr/](http://www.acf.hhs.gov/programs/orr/)



**Homeland  
Security**

August 28, 2014

(b)(6)

Sarasota, Florida 34237

Re: Complaint No. 13-01-ICE-0021

Dear Mr. (b)(6)

On October 18, 2012, the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received correspondence from the Department of Health and Human Services, Office of Refugee Resettlement raising concerns about your detention as an unaccompanied alien child (UAC) while in DHS custody. Pursuant to 6 U.S.C. § 435 and 42 U.S.C. § 2000ee-1, CRCL investigated the complaint concerning conditions of detentions and has completed its review.

As part of our investigation, CRCL obtained and reviewed U.S. Immigration and Customs Enforcement (ICE) records and a timeline of your detention. Based on this review, CRCL is unable to substantiate your allegations. CRCL's review indicates that immigration officials followed the guidelines and procedures for UAC, which, when operationally feasible, requires housing UAC in a separate room apart from the adult population for safety reasons. Accordingly, CRCL is closing this complaint.

We appreciate you bringing this matter to our attention; inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. If in the future you have concerns relating to civil rights and civil liberties violations by DHS, please contact CRCL by phone at 866-644-8360, 866-644-8361 (TTY), or by email at [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov).

Sincerely,

(b)(6)

Acting Deputy Director for Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security





# Homeland Security

To: (b) (6)  
From: (b) (6)  
Date: August 28, 2014  
Complaint Number: 13-01-ICE-0021  
Complainant Name(A#): (b) (6)

## Finding(s) for Closure without Recommendations - (check all that apply):

<input type="checkbox"/> Insufficient information to investigate <input type="checkbox"/> Withdrawal of complaint <input type="checkbox"/> Lack of jurisdiction <input type="checkbox"/> Allegation(s) overtaken by events <input type="checkbox"/> Component and/or facility has already corrected the problem <input checked="" type="checkbox"/> Allegation(s) against component, individual, and/or facility unfounded <input checked="" type="checkbox"/> Allegation(s) against component, individual, and/or facility unsubstantiated	<input type="checkbox"/> Allegation(s) substantiated but does not warrant recommendations <input checked="" type="checkbox"/> No finding of detention standards violations <input checked="" type="checkbox"/> No finding of policy or procedure violations <input type="checkbox"/> Complaint being handled as part of a related complaint (Related) <input type="checkbox"/> Other (provide details):
---	---

## Reason for Closing:

On October 18, 2012, the Office for Civil Rights and Civil Liberties (CRCL) received a Significant Incident Report (SIR) from the Department of Health and Human Services, Office of Refugee Resettlement (HHS/ORR), that provided a synopsis of allegations raised by apparent UAC (b) (6). According to the SIR, Mr. (b) (6) alleged that when he was apprehended by Border Patrol, he stated that he was 22 years old; however, he eventually admitted to being under the age of 18, and because he lied, immigration officials punished him by isolating him in a room that was "freezing cold" for 10 days. He stated that he felt as though he was in a freezer.

(b)(5), (b)(6)  
CRCL originally contacted Border Patrol about this matter but it was determined through a search of the Enforcement Alien Removal Detention Module/Enforce Alien Detention Module (EARM/EADM) that Mr. (b) (6) actually spent less than two days in the custody of Border Patrol at a facility in the Rio Grande Valley Sector.

The EARM records indicate that Mr. (b) (6) was apprehended on September 10, 2012, and transferred to Immigration and Customs Enforcement (ICE) custody on September 12, 2012. Once in the custody of ICE, Mr. (b) (6) was held at the East Hidalgo Detention Center and on September 18, 2012, was transferred to Basile Detention Center (BDC). Approximately 10 days later, on September 27, 2012, Mr. (b) (6) was transferred to the Southwest Key Houston for Immigrant Youth shelter. An EARM comment dated September 27, 2012, states that the "subject was confirmed to be 17 yoa and will be transferred to SWK Mesa Shelter." It appears that Mr. (b) (6) was originally isolated within BDC for his own safety until such time as ICE could confirm that he was a juvenile. Mr. (b) (6) was in BDC for 10 days before he was transferred to the shelter, which comports with his allegations.

*Protected by the Deliberative Process Privilege*

(b)(5),(b)(6)

Based on reviewing of the form I-213s of arrest and EARM records, it has been found that Mr. (b) (6) complaint that he was punished when it was uncovered he lied about his age has been unsubstantiated. I am recommending a closing of the complaint without recommendation.

EARM indicates that Mr. (b) (6) was released on February 16, 2013 under an "order of recognizance" from the HIS House Children's Home, in Miami, Florida. In light of the information gleaned from the review of records, notification of complaint closing should be emailed to HHS/ORR and a closing letter sent to Mr. (b) (6) address of record at (b) (6)

**Special Circumstances:** N/A

**Recommend Office of General Counsel (OGC) Review No.**

*If Yes- provide a brief explanation*

**Suggested Closure Method(s) (check all that apply):**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Close Letter to Complainant                      | <input type="checkbox"/> Close email/memo to component       |
| <input type="checkbox"/> Phone call (a description of which is documented in Writing | <input type="checkbox"/> High level component communication  |
| <input type="checkbox"/> No notification necessary                                   | <input type="checkbox"/> Close memo (No contact information) |
| <input type="checkbox"/> Other (provide details)                                     |  |

**Supporting Documents Attached:**


**For Completion by Reviewer:**

Closure Recommendation Accepted X

Not Accepted ☐

(b) (6)

*Protected by the Deliberative Process Privilege*

**From:** CRCLCompliance  
**To:** (b)(6) <[heartlandalliance.org](mailto:(b)(6)@heartlandalliance.org)>  
**Subject:** Follow-up to DHS CRCL Complaint 14-09-CBP-0242  
**Date:** Wednesday, July 16, 2014 11:23:00 AM  
**Attachments:** [06.11.2014 14-09-CBP-0242.pdf](#)

---

Dear Ms. (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



*This message, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately by reply e-mail, and delete the message.*



Homeland  
Security

July 16, 2014

Via electronic mail.....

(b)(6)

National Immigrant Justice Center  
208 S. La Salle Street, Suite 1300  
Chicago, IL 60604  
(b)(6)@heartlandalliance.org

Re: Complaint No. 14-09-CBP-0242

(b)(6)

Dear Ms. (b)(6)

On June 11, 2014, the Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received your complaint on behalf of (b)(6). Thank you for contacting us with your concerns. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of DHS.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of Inspector General (OIG) for review. If OIG declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome of the investigation.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on (b)(6) behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email address, and mailing address if available, and your alien number if applicable. You may contact CRCL by email at [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov), by facsimile at 202-401-4708, or by mail at the following address:



Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch  
245 Murray Lane, SW  
Building 410, Mail Stop 0190  
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of someone else, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint, if you have not already done so.

When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting CRCL. Communications like yours are essential to our ability to carry out our role of supporting the DHS's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact us either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,

(b)(6)

Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

## Privacy Act Statement

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**Routine Uses:** This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information, as necessary, with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ ALL-029 Civil Rights and Civil Liberties Records System of Records.

**Disclosure:** Furnishing this information to CRCL is voluntary; however, failure to furnish the requested information may delay or prevent CRCL from adequately reviewing and investigating your complaint. If necessary, CRCL may also request additional information from you in order to determine the appropriate manner to address your concerns.

To learn more about the Privacy Act, go to [www.dhs.gov/privacy](http://www.dhs.gov/privacy).

**From:** [Ashley Huebner](#)  
**To:** [Mack, Megan; CRCLCompliance](#)  
**Cc:** (b)(6)  
**Subject:** Unaccompanied Immigrant Children Joint Complaint re CBP Abuse  
**Date:** Wednesday, June 11, 2014 10:46:20 AM  
**Attachments:** [UIC Joint Complaint Re CBP Abuse \(06-11-14\).pdf](#)  
**Importance:** High

---

Ms. Mack,

Attached to this email, please find a joint complaint by the National Immigrant Justice Center, Esperanza Immigrant Rights Project, Americans for Immigrant Justice, the Florence Immigrant and Refugee Rights Project, and the ACLU Border Litigation Project on behalf of 116 unaccompanied immigrant children regarding abuse and mistreatment while in the custody of U.S. Customs and Border Protection. We urge your office to conduct a thorough and swift investigation into these complaints.

We look forward to hearing from you and working with your office to ensure that the civil rights and civil liberties of unaccompanied immigration children are respected by all entities of the Department of Homeland Security (DHS). Should you have any questions or require additional information, please do not hesitate to contact us.

Please note also that an original copy of this filing follows by overnight courier.

Sincerely,

Ashley Huebner | Managing Attorney  
National Immigrant Justice Center | Heartland Alliance  
208 S. La Salle Street, Suite 1300 Chicago, IL 60604  
(T) 312.660.1303 | (F) 312.660.1506  
[ahuebner@heartlandalliance.org](mailto:ahuebner@heartlandalliance.org)  
[www.immigrantjustice.org](http://www.immigrantjustice.org)

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June 11, 2014.

VIA FEDEX AND EMAIL

Megan H. Mack  
Officer for Civil Rights and Civil Liberties  
Department of Homeland Security  
245 Murray Lane, SW  
Washington, DC 20528

John Roth  
Inspector General  
Department of Homeland Security  
245 Murray Lane, SW  
Washington, DC 20528

**RE: Systemic Abuse of Unaccompanied Immigrant Children by U.S. Customs and Border Protection**

Dear Ms. Mack and Mr. Roth:

The undersigned organizations, National Immigrant Justice Center, Esperanza Immigrant Rights Project, Americans for Immigrant Justice, Florence Immigrant and Refugee Rights Project and the ACLU Border Litigation Project, jointly file the present complaint on behalf of 116 unaccompanied immigrant children, ages five to seventeen years old,<sup>1</sup> who experienced abuse and mistreatment while in the custody of U.S. Customs and Border Protection (CBP), which includes U.S. Border Patrol.<sup>2</sup> We urge you to conduct a prompt and thorough investigation into each of these allegations, and to take swift action consistent with your respective agency missions to fully address the systemic problems at CBP highlighted by these children's complaints, including implementation of the federal policy recommendations provided at the end of this document.

The experiences of the children documented herein<sup>3</sup> reflect those of a growing number of unaccompanied children, many of whom flee their home countries due to persecution, violence and extreme poverty. After completing a perilous journey to the United States, many are

<sup>1</sup> Ages listed are the ages of the children at the time the abuse or mistreatment occurred. While the youngest complainant was five years old, several of the abuses described herein involved younger children, including infants.

<sup>2</sup> Where possible, these complaints identify whether abuse was committed by a CBP official or by a Border Patrol agent. If a child was unable to identify the offending immigration official's specific affiliation, the complaint references CBP.

<sup>3</sup> To protect the identities of the children filing complaints, we are withholding their full names from the public version of this complaint. The children's identities and the full details of their complaints are being provided to DHS in affidavits accompanying this complaint. See Appendix, Ex. 1-116. Please note that each complaint includes a release specifying the organization filing the complaint on the child's behalf—should you wish to investigate a specific case, please contact the organization that prepared the corresponding affidavit. For reference, we have also included complaints that were previously filed on behalf of unaccompanied immigrant children for which the filing organization has not received a response. See Appendix, Ex. 96 and Ex. 116. These two complaints were previously filed with CRCL, but the filing organizations are re-submitting those as part of this joint complaint because they remain pending with no action taken to date.



subjected to various forms of abuse, harassment and other harms at the hands of Border Patrol and CBP officials.

For example, approximately one in four children included in this complaint reported some form of physical abuse, including sexual assault, beatings, and the use of stress positions by CBP officials. More than half of these children reported various forms of verbal abuse, including racially- and sexually-charged comments and death threats. More than half reported the denial of medical care, including two young mothers whose infant children became sick while detained in freezing temperatures, and another child whose asthma medication was confiscated while she suffered multiple asthma attacks. Children consistently reported being held in unsanitary, overcrowded, and freezing-cold cells, and roughly 70 percent reported being held beyond the legally mandated 72-hour period. Many reported being detained without blankets and having to sleep on the floor, with the lights left on. More than 80 percent described denial of adequate food and water in CBP custody, including a child whose only available drinking water came from a toilet tank and others who received only frozen or spoiled food and subsequently became ill. These children, some of whom experienced sexual violence in their home countries and/or en route to the United States, reported feeling humiliated by having to use filthy restrooms in full view of other detainees and security cameras. Approximately 15 percent of these children reported being separated from other family members, and 30 percent reported that their money and/or personal belongings were confiscated by CBP officials and not returned to them. Many children reported being shackled—sometimes painfully—during transport.

The sheer volume and consistency of these complaints reflects longstanding, systemic problems with CBP policy and practices. Unfortunately, the abuse of unaccompanied children by U.S. immigration officials is not a new phenomenon. For years, the undersigned organizations and others have documented civil rights violations by CBP officials, including Border Patrol agents, involving unaccompanied immigrant children. Numerous organizations have issued reports and filed complaints with Department of Homeland Security (DHS) oversight bodies, to no avail.<sup>4</sup> As the American Immigration Council (AIC) recently reported, most complaints of Border Patrol abuse do not result in any action against agents who break the law, and many are never properly investigated at all.<sup>5</sup> This has been the collective experience of the undersigned organizations as well. By failing to meaningfully investigate or otherwise respond to consistent reports of systemic abuse, DHS has demonstrated a continuing disregard for the civil and human rights of unaccompanied immigrant children.

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<sup>4</sup> See Women's Refugee Commission, *Forced From Home: The Lost Boys and Girls of Central America* (October 2012)(hereinafter WRC *Forced From Home*) available at <http://bit.ly/1idNuUo>; No More Deaths, *Crossing the Line: Human rights Abuses of Migrants in Short-Term Custody on the Arizona/Sonora Border* (2008)(hereinafter NMD *Crossing the Line*) available at <http://bit.ly/1uFDsTJ>; No More Deaths, *A Culture of Cruelty: Abuse and Impunity in Short-Term U.S. Border Patrol Custody* (2011,) (hereinafter NMD *A Culture of Cruelty*) available at <http://bit.ly/1prx9z>; Florence Immigrant and Refugee Rights Project, *Seeking Protection, Enduring Prosecution: The Treatment and Abuse of Unaccompanied Undocumented Children in Short-term Immigration Detention* (2009) (hereinafter Florence Project *Seeking Protection, Enduring Prosecution*) available at <http://bit.ly/1prCKXs>; Betsy Cavendish and Maru Cortazar, Appleseed, *Children at the Border: The Screening, Protection and Repatriation of Unaccompanied Mexican Minors* (2011) (hereinafter Appleseed *Children at the Border*) available at <http://bit.ly/1mt5hbi>.

<sup>5</sup> See American Immigration Council, *No Action Taken: Lack of CBP Accountability in Responding to Complaints of Abuse* (2014) (hereinafter AIC *No Action Taken*) available at <http://bit.ly/1ozF1dd>.

CBP abuse of immigrant children persists in spite of prior litigation concerning the treatment of unaccompanied children,<sup>6</sup> and subsequent legislation enacted to protect these children.<sup>7</sup> Given these longstanding problems, and in light of the rising number of unaccompanied children seeking relief from dangerous conditions in their home countries, the need for broad and lasting agency reforms is clear. We therefore call on DHS, CBP, and the U.S. government to take immediate action to end the mistreatment and abuse that unaccompanied immigrant children continue to endure at the hands of CBP officials. We also urge CRCL and OIG to promptly and thoroughly investigate the allegations raised in this complaint, to hold accountable any agents found to have engaged in unlawful or improper conduct, and to release the results of those investigations publicly. Our nine formal recommendations are listed in the conclusion.

Part I of this complaint provides background on the recent increase in regional child migration and the well-documented history of abuse of children by CBP officials. Part II consists of a representative sample of short summaries of children's experiences of abuse in CBP custody, grouped by type of abuse. Part III discusses the applicable legal framework that governs civil rights protections for unaccompanied immigrant children. Part IV concludes with a series of recommendations for responding to and preventing the widespread abuse of immigrant children by CBP officials.

## **I. Background:**

### *A. Organizations*

**National Immigrant Justice Center (NIJC)** —The National Immigrant Justice Center is dedicated to ensuring human rights protections and access to justice for all immigrants, refugees and asylum seekers. NIJC provides direct legal services to and advocates for these populations through policy reform, impact litigation, and public education. Since its founding three decades ago, NIJC has been unique in blending individual client advocacy with broad-based systemic change. NIJC is the largest legal service provider for unaccompanied immigrant children detained in Illinois. Each month, NIJC's Immigrant Children's Protection Project provides Know Your Rights presentation, legal screenings, and representation to more than 500 unaccompanied immigrant children detained in nine facilities across the Chicagoland area.

**Esperanza Immigrant Rights Project (Esperanza)** — Esperanza Immigrant Rights Project inspires hope and advances social justice for Southern California's most vulnerable immigrant and refugee communities through legal representation, community education, and advocacy. Esperanza is the largest non-profit immigration legal service provider in the State of California, serving approximately 8,000 individuals per year in the greater-Los Angeles Area, including at least 200 unaccompanied immigrant children each month. Esperanza was one of the first organizations in the country to represent mentally ill detained immigrants pursuant to the *Franco-Gonzalez v. Holder* litigation, and runs one of only two pilot programs in the country

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<sup>6</sup> See *Flores v. Reno*, No. CV 85-4544-RJK(Px) (C.D. Cal. Jan. 17, 1997) (hereinafter *Flores Settlement Agreement*). The *Flores Settlement Agreement* was reached after nearly a decade of litigation, following remand from the Supreme Court in *Flores v. Reno*, 113 S.Ct. 1439 (1992).

<sup>7</sup> See Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (2002)(hereinafter 2002 HSA); William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, 122 Stat. 5044 (2008) (hereinafter 2008 TVPRA).

that provides legal representation to minors released from ORR custody. This year Esperanza expects to represent approximately 250 unaccompanied immigrant children in their immigration proceedings. Esperanza Immigrant Rights Project is a program of Catholic Charities of Los Angeles, Inc.

**Americans for Immigrant Justice (AI Justice)** — Americans for Immigrant Justice is a non-profit law and advocacy firm that protects and promotes the basic human rights of immigrants. In Florida and on a national level, it champions the rights of unaccompanied immigrant children; advocates for survivors of trafficking and domestic violence; and serves as a watchdog on immigration detention practices and policies. AI Justice launched its Children's Legal Program in 2001. Over the past thirteen years AI Justice has influenced national policy and laws affecting immigrant children and is widely recognized as an expert in immigrant children's issues. In 2005, AI Justice collaborated with six community partners to create the Immigrant Children's Legal and Service Partnership (ICLASP) in Miami, Florida. This program was recognized by the Office of Refugee Resettlement as a "model program for care providers throughout the country." Each year, AI Justice attorneys represent thousands of unaccompanied children held in immigration shelters and in foster care without the protection of either a parent or legal guardian.

**Florence Immigrant and Refugee Rights Project (Florence Project)** — The Florence Immigrant & Refugee Rights Project provides and coordinates free legal services and related social services to indigent men, women, and unaccompanied children detained in Arizona for immigration removal proceedings. Founded in 1989, the Florence Project strives to ensure that detained individuals have access to counsel, understand their rights under immigration law, and are treated fairly and humanely by our judicial system. The Florence Project provides high quality legal services and supports initiatives for national changes in immigration law and policy. The Florence Project's Detained Immigrant and Refugee Children's Initiative serves approximately 500 children held in shelters, group homes, or long term foster care programs in Phoenix. The Children's Initiative educates, empowers, and provides legal assistance to unaccompanied immigrant children in removal proceedings.

**ACLU Border Litigation Project** — The ACLU Border Litigation Project investigates, documents, and litigates civil and human rights violations in the U.S.-Mexico border region. The ACLU is a non-partisan, non-profit, nation-wide organization that works daily in courts, communities, and legislatures across the country to protect and preserve the rights and liberties established by the Bill of Rights and state and federal law. The ACLU has a particular commitment to ensuring that fundamental constitutional protections of due process and equal protection are extended to every person, regardless of citizenship or immigration status, and that government respects the civil and human rights of all people.

*B. Unaccompanied Immigrant Children*

Unaccompanied immigrant children are among the most vulnerable individuals that CBP officials encounter. For years, journalists, academics and NGOs have reported on the increased migration to the United States by unaccompanied immigrant children, particularly children from



Central America and Mexico, and identified the principal factors responsible for this trend.<sup>8</sup> In its 2012 report *Forced From Home: The Lost Boys and Girls From Central America*, the Women's Refugee Commission (WRC) interviewed Central American children who cited the rise of gang and cartel violence, extreme poverty, and state-sponsored and gender-based persecution as reasons for their forced exodus from the region.<sup>9</sup> In its 2014 report *Children on the Run*, the United Nations High Commissioner for Refugees (UNHCR) noted that the majority of unaccompanied children flee Central America and Mexico to escape persecution, violence in their communities, and/or deprivation or abuse in their homes.<sup>10</sup> Children interviewed by UNHCR recounted fleeing gender-based violence, and beatings, extortion and kidnapping by gang members.<sup>11</sup> The UNHCR reported that "no less than 58 percent of the 404 children interviewed were forcibly displaced because they suffered or faced harms that indicated a potential or actual need for international protection."<sup>12</sup> In a recent policy brief, NIJC published similar findings.<sup>13</sup> While some unaccompanied immigrant children report a desire to reunite with parents in the U.S., the predominant reason that children give for leaving their home countries is fear of violence or persecution.<sup>14</sup>

The dire conditions in their home countries cause many children to embark on the hazardous journey to the United States, traveling by bus, atop freight trains, and on foot.<sup>15</sup> Along the way, unaccompanied children are vulnerable to numerous forms of exploitation and violence, including rape, robbery, assault, kidnapping and extortion.<sup>16</sup> Sometimes these children's journeys end in tragedy before they reach the United States.<sup>17</sup> Once at the U.S. border, children face the same hazards as adult border crossers. Children interviewed by the WRC witnessed other children drown while crossing the Rio Grande River, while others wandered for days in the desert without food or water.<sup>18</sup> Nonetheless, "[t]he overwhelming majority of children interviewed expressed a willingness to risk the uncertain dangers of the trip north to escape certain dangers they face at home."<sup>19</sup>

Once in the United States, unaccompanied immigrant children face a host of additional obstacles when funneled into our complex immigration system—chief among them is the fact that unaccompanied children have no guarantee of legal counsel and are forced to navigate this

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<sup>8</sup> See WRC *Forced From Home* at 7-13; United Nations High Commissioner for Refugees, *Children on the Run: Unaccompanied Children Leaving Central American and Mexico and the Need for International Protection* (2014) at 9-11 (hereinafter *UNHCR Children on the Run*) available at <http://bit.ly/1hvMNe0>.

<sup>9</sup> WRC *Forced From Home* at 7-13.

<sup>10</sup> UNHCR *Children on the Run* at 9-11.

<sup>11</sup> *Id.*

<sup>12</sup> UNHCR *Children on the Run* at 6. UNHCR notes, "Since, by definition, the Governments of their home countries no longer protect the basic human rights of these individuals, the international community must step in to ensure that those basic rights...are respected." *Id.*

<sup>13</sup> National Immigrant Justice Center, *Unaccompanied Immigrant Children: A Policy Brief* (January 2014) at 1-3 (hereinafter *NIJC Policy Brief*) available at <http://bit.ly/1o2RT4B>. The Policy Brief was based on legal consultations with 224 children, ages 2 to 18, held in Chicago-area shelters run by the Office of Refugee Resettlement (ORR) from December 23, 2013 to January 10, 2014.

<sup>14</sup> WRC *Forced From Home* at 7; see also David Rogers, "Flood of Child Immigrants a Neglected Challenge," *Politico*, May 28, 2014 (hereinafter *Rogers Politico Article*) available at <http://bit.ly/1ozGwio>...

<sup>15</sup> WRC, *Forced From Home* at 8.

<sup>16</sup> *Id.*

<sup>17</sup> Jim Dwyer, "A 12-Year-Old's Trek of Despair Ends in a Noose at the Border," *The New York Times*, April 19, 2014 (hereinafter *Dwyer NYT Article*) available at <http://nyti.ms/1n0QFS5>.

<sup>18</sup> WRC *Forced From Home* at 8.

<sup>19</sup> *Id.*



complicated adversarial system on their own.<sup>20</sup> Children of all ages represent themselves before judges in immigration proceedings, while the government is represented by counsel.<sup>21</sup> Without representation, children are unlikely to be able to identify applicable forms of relief, much less analyze past abuses that, in addition to violating U.S. law, may also be relevant to potential legal relief.<sup>22</sup>

C. *U.S. Customs and Border Protection: A History of Abuse and Impunity*

After often enduring severe physical and emotional trauma prior to arrival, unaccompanied immigrant children frequently suffer additional abuses at the hands of CBP and Border Patrol officials who apprehend them. This problem is not new—the same abuses have been documented extensively for years. For example, in 2009, the Florence Project released the report *Seeking Protection, Enduring Prosecution*, based on interviews with 124 unaccompanied children over a two-month period.<sup>23</sup> Eighty-five percent of the unaccompanied immigrant children reported that their holding cells were excessively cold, while 37 percent received food less than three times a day, 25 percent were not offered water, and 49 percent were denied the opportunity to call their family, consulate, or an attorney.<sup>24</sup> The Florence Project identified 18 specific cases of physical abuse and 16 cases of verbal abuse.<sup>25</sup>

In its 2011 report, *Culture of Cruelty*, No More Deaths (NMD) documented more than 30,000 incidents of abuse of adult and child immigrants in short-term CBP custody.<sup>26</sup> Reports included psychological, verbal and physical abuse; extreme cold, severe overcrowding, and unsanitary conditions in processing centers; and denial of food, water and medical treatment while in CBP custody.<sup>27</sup> NMD noted that many of the 801 children interviewed reported physical abuse, family separation, and night repatriation at rates comparable to adults, and reported some forms of abuse, including denial of drinking water, at higher rates than adults.<sup>28</sup> Many of the same problems have been corroborated in subsequent academic and NGO reports.<sup>29</sup>

NIJC's 2014 *Policy Brief* likewise noted the harsh treatment that children often faced while in CBP custody. In interviews with 224 children over a three-week period, the vast

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<sup>20</sup> NIJC *Policy Brief* at 3; see also Center for Gender & Refugee Studies & Kids In Need of Defense, *A Treacherous Journey: Child Migrants Navigating the U.S. Immigration System* (2014) (hereinafter CGRS/KIND *Treacherous Journey*), at 3, available at <http://bit.ly/1jDBdLS>; Jacqueline Bhabha and Susan Schmidt, *Seeking Asylum Alone: Unaccompanied and Separated Children and Refugee Protection in the U.S.* (2006)(hereinafter “Bhabha & Schmidt *Seeking Asylum Alone*”) available at <http://bit.ly/1xtzMGO>.

<sup>21</sup> CGRS/Kind *Treacherous Journey* at 3.

<sup>22</sup> NIJC *Policy Brief* at 3.

<sup>23</sup> Florence Project *Seeking Protection, Enduring Prosecution* at 7-8.

<sup>24</sup> *Id.* at 13-14.

<sup>25</sup> *Id.* at 10, 12.

<sup>26</sup> NMD *A Culture of Cruelty* at 12; see also NMD, *Crossing the Line*.

<sup>27</sup> NMD *A Culture of Cruelty* at 5.

<sup>28</sup> *Id.* at 18.

<sup>29</sup> See Daniel E. Martinez et al., *Border on Criminal: The Routine Abuse of Migrants in the Removal System* (Dec. 2012), available at <http://bit.ly/1cBbxwb>; The Center for Latin American Studies, Univ. of Arizona, *In the Shadow of the Wall: Family Separation, Immigration Enforcement and Security*. (Mar. 15, 2013), 24, available at <http://bit.ly/1n0QRRt>; Kino Border Initiative, *Documented Failures: The Consequences of Immigration Policy at the U.S.-Mexico Border* (Feb. 13, 2013), available at <http://bit.ly/1pa3UVo>; Binational Defense and Advocacy Program, Northern Border Initiative, *Human Rights Violations of Mexican Migrants Detained in the United States 2011-2012* (May 2013), available at <http://bit.ly/1nt4WsE>.

majority of children reported being detained in *hieleras*, the Spanish word for “freezers,” used to describe holding rooms maintained at extremely cold temperatures.<sup>30</sup> Many children reported being unable to track the length of time they were held in CBP custody because the lights in their cells were never turned off. At least 29 children were held in CBP custody beyond the 72-hour legal limit.<sup>31</sup> Some of the children reported being hungry in CBP custody, including several who reported that they were “barely fed.”<sup>32</sup> In addition, 56 percent of children said they were placed in three-point shackles, affixed at the wrists, waist, and ankles.<sup>33</sup> The WRC documented similar instances of abuse and mistreatment in its 2009 *Halfway Home* and its 2012 *Forced From Home* reports.<sup>34</sup>

Particularly troubling is the failure of DHS oversight agencies to respond to these reports, and to individual cases in which CBP officials abused children. For example, from 2009 to 2011, No More Deaths and partner organizations filed 75 CRCL complaints regarding CBP abuses, but did not receive a response from the agency in a single case.<sup>35</sup> This is consistent with the American Immigration Council’s (AIC) recent findings that 97 percent of the 809 abuse complaints filed against Border Patrol agents between January 2009 and January 2012 resulted in the classification “no action taken.”<sup>36</sup> Approximately 60 of these complaints involved abuse of immigrant children, including one case in which a child reported that an agent “hit him on the head with a metal flashlight 20 times, kicked him five times, and pushed him down a hill.”<sup>37</sup>

The lack of meaningful investigation by DHS oversight agencies perpetuates a culture of impunity within CBP and reflects a broader failure by federal agencies and policymakers to respond to the ongoing, systemic abuses of unaccompanied children. Particularly in light of the increase in unaccompanied children fleeing dangerous conditions in the region,<sup>38</sup> major agency reforms are urgently needed.

## II. Individual Complaints

A unifying theme of the attached complaints is the agency’s continued failure to incorporate the governing principle of U.S. policy regarding unaccompanied immigrant children into its every day practice: that these children are to be treated with dignity, respect and special concern for their particular vulnerability as children. Documented from approximately March to May 2014, these 116 cases paint a consistent picture of widespread abuse and mistreatment. Over 80 percent of these children reported inadequate food and water by CBP officials.

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<sup>30</sup> NIJC *Policy Brief* at 3.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> WRC *Forced From Home* at 20-21; see also Women’s Refugee Commission, *Halfway Home: Unaccompanied Immigrant Children in Immigration Custody* (2008) at 9-11 (hereinafter *WRC Halfway Home*), available at <http://bit.ly/1hvPc8M>.

<sup>35</sup> NMD *A Culture of Cruelty* at 8.

<sup>36</sup> AIC *No Action Taken* at 8.

<sup>37</sup> Damien Cave, “Complaints of Abuse by Border Agents Often Ignored, Records Show,” *New York Times*, May 5, 2014 (hereinafter Cave NYT Article) available at <http://nyti.ms/1iTzDY5>.

<sup>38</sup> WRC *Forced From Home* at 4; Ian Gordon, “70,000 Kids Will Show Up Alone at Our Border This Year. What Happens to Them?” *Mother Jones*, July/August 2014 Issue, (hereinafter Gordon *Mother Jones* Article) available at <http://bit.ly/T9FbDg>; Julia Preston, “U.S. Setting Up Emergency Shelter in Texas as Youths Cross Border Alone,” *New York Times*, May 16, 2014, (hereinafter Preston NYT Article) available at <http://nyti.ms/1iVQGTP>; see also Rogers *Politico* Article.

Approximately half of the children described the denial of medical care. More than half reported experiencing some form of verbal abuse, while approximately one in four reported physical abuse ranging from sexual assault to punching, kicking, and use of stress positions as punishment. One in three reported CBP officials confiscated and did not return money and/or belongings, and approximately 15 percent reported being forcibly separated from family members. Approximately 70 percent of these children were detained by CBP beyond the 72-hour statutory limit.

We note that the submitted complaints are a representative sample and not an exhaustive compilation of the many stories of CBP abuse that our organizations encounter. We further note that there are many reasons to believe that abuse of children by CBP officials is dramatically under-reported. For example, both Esperanza and NIJC interviewed many children who reported abuse while still detained in CBP custody, but declined to file a complaint for fear that doing so would negatively impact their immigration case or otherwise result in retaliation. Others said they were treated “fine” by officials, but when asked for details, described serious abuse and mistreatment, including harsh detention conditions. While most children transferred to the custody of the Department of Health and Human Services’ Office of Refugee Resettlement (ORR) receive a legal orientation and screening, many are not specifically asked about their treatment in CBP custody. Even if abuses are identified, agencies offering legal services to unaccompanied children often do not have the resources to file complaints or follow up once a child has been released from ORR custody. Children released without proper screening face serious obstacles to obtaining legal assistance. All of these factors result in many cases of CBP abuse going unreported.

What follows is a representative sample of the abuses documented in 116 affidavits submitted to DHS as attachments to this complaint. Although many children reported multiple forms of abuse and mistreatment while in CBP custody, the following summaries are organized generally by the type of abuse suffered: physical and sexual abuse, verbal abuse, failure to provide medical treatment, mistreatment of infants and pregnant and nursing minors, inhumane detention conditions, due process concerns, and use of shackles.

#### Physical and Sexual Abuse

*R.D.*

R.D. fled to the United States at age 17 after being sexually abused by a gang member in her home country. While trying to cross the border, she cut her hand on a fence. After Border Patrol apprehended her, an agent looked at her hand and squeezed the wound, causing her great pain. The agent told her, “It’s good that you are hurt, you deserve to be hurt for coming to the US illegally.” R.D. became so ill in CBP custody that she could not release her bowels for the entire five days she was detained. She believed this was caused by the food CBP gave her. R.D. reports that there were young boys in her *huelera* who had crossed the border with their mothers, but had been separated from them by CBP.

*D.G.*

D.G. is a 16-year-old Central American girl. Shortly after CBP arrested her, officials mocked her and asked her why she did not ask the Mexicans for help. When they searched her,

officials violently spread her legs and touched her genital areas forcefully, making her scream. D.G. was detained with both children and adults. She describes the holding cell as ice-cold and filthy, and says the bright fluorescent lights were left on all day and night. D.G. became ill while in CBP custody but when she asked to see a doctor, officials told her it was “not their fault” that she was sick and ignored her. CBP officials did not return all of D.G.’s personal belongings when she was released.

*C.S.*

C.S. is a 17-year-old boy who came to the United States seeking safety from gangs in El Salvador. After he was detained, C.S. was threatened by CBP officials. After a CBP official noticed C.S. laughing with a friend, C.S. was forced to stand for over an hour. The same official took away the boys’ blankets and threatened to put the boys in a colder room if they sat down. CBP officials only fed C.S. frozen bologna sandwiches. When C.S. was transported from the detention center, CBP officials shackled him at his hands, waist, and feet. C.S. was too afraid to tell the officials that the handcuffs were too tight.

*M.V.*

M.V. is a 16-year-old boy who was apprehended near McAllen, Texas. While in CBP custody, M.V. was taken to a room where officials insulted M.V. and accused him of lying about his age. One official accused M.V. of possessing false documents, and threatened that if M.V. did not tell the truth about his age, he would “become the wife” of a male detainee. That official left the room, leaving M.V. alone with a male CBP official. That official directed M.V. to remove all of his clothes. M.V. remained undressed for approximately 15 minutes while the male official patted him down. The male official continued to interrogate M.V. about his age and laughed at M.V. while he was undressed. After the strip search, M.V. was directed to another waiting room where a third official told M.V. he would “pay” for being a liar. When M.V. was transferred to ORR custody, CBP officials handcuffed him in three-point restraints. M.V. was transported with other children who shared that they had also been strip-searched and questioned about their age.

*K.M.*

After CBP transferred 15-year-old K.M. to ORR custody, K.M. reported that one of the girls with whom she was detained was covered in bruises on her chest and face. The girl initially claimed her injuries had occurred when she fell. When pressed, however, the girl admitted that when she was apprehended, a CBP official took her into a cave and raped her. The girl said that she was afraid to come forward or make a complaint because the CBP official threatened her.

*J.P.*

J.P. is a 13-year-old boy who was arrested with his 8-year-old sister near Hidalgo, Texas. J.P. and his sister were brought to a holding cell and then separated. J.P. spent three days in the first holding cell where he was detained with other adult men. He states that when he and other boys would cry, the officials would yell at them to stop because there was “no mother there” to comfort them. When J.P. tried to get a CBP official’s attention, the official threatened to hit him with a metal rod. The official then threatened the children not to tell anyone what had happened.



After the third day, J.P. and his sister were brought to another holding facility. In the holding cell at this facility, J.P. was accosted by two adult men who told him they would “eat him up” while he slept. Other men in the cell warned J.P. to watch out for the two men because they liked “chubby boys.” Later, the two men J.P. had been warned about sexually molested him by touching his genitals after J.P. had fallen asleep. The men molested J.P. again the following night. J.P. repeatedly tried to report the abuse to CBP officials, but they ignored him. J.P. continues to feel afraid when he remembers what happened to him.

*J.R.*

J.R. is a 13-year-old boy who was apprehended near Brownsville, Texas. The officials who apprehended J.R. allowed their service canine to scratch his face, causing bleeding and impaired vision. When CBP took J.R. to a holding facility, they did not give him medical treatment for his wound and he only had an aluminum blanket to clean his face. J.R. also reports witnessing officials use a Taser on a young boy and then handcuffing him to a chair. When he left the facility, J.R. was placed in shackles which were too tight and caused pain.

*E.G.*

E.G., a 16-year-old boy was apprehended at the border by CBP officials. Officials removed E.G.’s shoes and told him to walk without them to the detention facility. Officials pushed, screamed at, and threatened E.G. as he was walking. One CBP official threatened, “You are in my country now, and we are going to bury you in a hole.” An official asked E.G. if he had killed someone and if that was why he had come to the United States. CBP transferred E.G. between frigid holding cells at various CBP facilities where officials gave him only juice to drink. E.G. found the food inedible and became ill. He describes the holding cells as cold and loud. The lights were never turned off at night and E.G. was unable to sleep.

*S.M.*

S.M. is a 15-year-old boy. Officials frequently yelled at S.M., and kicked him to wake him up when he tried to sleep. CBP separated S.M. from his uncle and his cousin without any explanation or information regarding where they would be sent.

*J.A.*

J.A. is a 17-year-old boy who was detained near Hidalgo, Texas. A CBP official forced J.A. to kneel and hold his hands up against the walls of the holding cell for almost twenty minutes as punishment for laughing. The CBP official screamed at J.A. that the official was “the one in charge” and that J.A. would have to remain kneeling in a stress position “until it hurts.” J.A. also reports hearing the same official tell another boy that he looked like a clown and that that was all he was good for. J.A. states that he felt scared and humiliated.

#### Verbal Abuse

*E.M.*

E.M. is a 17-year-old child who fled Guatemala after she was raped and impregnated and her family subsequently threatened. E.M. was kidnapped after entering the United States and forced to work before an uncle paid for her release. After E.M. was apprehended near Falfurrias, Texas, she was detained in a CBP holding facility. An officer with the nickname “Mala Cara,” or “Bad Face” told E.M., “Welcome to hell.” and repeatedly addressed her as “princess.” After E.M. complained to other officials, “Mala Cara” treated E.M. even worse. When E.M. was finally transferred to ORR custody, “Mala Cara” threatened, “We’re going to put you on a plane, and I hope it explodes. That would be the happiest day of my life.”

*G.G.*

G.G. is a 16-year-old girl. When Border Patrol agents apprehended her in Texas, they threatened to kill her if she moved or ran away. When she told the agents her age, they yelled, insulted her, and called her a liar. An agent told her, “Your little scheme won’t work to keep you here in the U.S.” CBP detained G.G. for nine days, in five different detention centers. G.G. was extremely hungry, and CBP officials gave her moldy bread. She became ill and believed it was because of the food. When she asked for something to settle her stomach she was told “this is not a hospital.” When she vomited, officials accused her of being pregnant and called her a “dirty liar.” When G.G. asked the time of day, officials replied, “What do you care? Are you late for work?” G.G. slept on the floor of her cell with a thin sheet of paper for a blanket every night. The bathrooms were filthy—the floors were covered with used sanitary napkins and soiled toilet paper, and there were no garbage cans, no doors, and no privacy. The only water available to G.G. to drink came from the bathroom sink. Officials repeatedly told her, “You’re the garbage that contaminates this country.”

*B.O.*

B.O., a 14-year-old boy, was held for five days at three different CBP detention centers. During that time, he was unable to sleep because the lights were never turned off. As he was being taken to the airport, a CBP official told B.O. and other children that he hoped the children’s plane would crash. The official made hand movements and noises to simulate a plane taking off and then crashing.

*K.M.*

K.M. is a 15-year-old girl who was detained in CBP custody for four days. The CBP official to whom she disclosed her age accused her of lying. CBP officials did not provide K.M. with food until a full day after she arrived in custody, and denied her the opportunity to bathe. In the *hielera*, CBP officials woke K.M. and the other children every 30 minutes as they tried to sleep, and K.M. could not keep track of the time because the lights were always left on. CBP officials called her and the other children “sluts,” “parasites,” and “dogs.” When she told an official that the water tasted of chlorine, he replied, “Stupid girl, if you don’t like the water put your hands in the bathroom sink and drink from there.” She and other girls asked for blankets and were told, “You sluts, why did you come to the U.S.? This is not a five-star hotel. You think because you came to this country we are going to treat you well?” When K.M. and the other detained girls told the CBP officials they were hungry, they cursed and said, “We don’t sell food here.” A CBP official entered the holding cell eating a Snickers bar and said, “Look sluts, look at me eat.” The official added, “Hopefully when you are transferred the plane will crash and you

will all die.” Officials pressured K.M. to sign a deportation order, telling her that she would be deported anyway. Officials transported K.M. in three-point shackles, which she describes as being painfully tight. Officials also placed two young pregnant women in three-point shackles, despite their cries and objections that the shackles caused abdominal pain.

*M.P.*

M.P. is a 17-year-old girl who was apprehended in McAllen Texas. The Border Patrol agent who interviewed M.P. accused her of lying about her age and threatened to send her to jail. When the agent learned that M.P. has a son, the agent threatened that M.P. “would not see her son for three to five years.” M.P. spent approximately six days in CBP custody at two different holding facilities. She only ate twice a day and slept on the floor in the second facility, without a blanket. When she left the second facility, M.P. was shackled at her hands, waist and feet. The shackles were too tight, but she did not feel she could say anything or that anything would be done about it.

*R.C.*

R.C. is a 16-year-old boy who fled forced gang recruitment in El Salvador. After CBP apprehended R.C. and brought him to a holding facility, officials initially refused to give him food and water. The following morning, a CBP official woke up R.C. and the other detainees by yelling, “Get up you fuckers!” The official continued to yell and swear at R.C. and threatened to take away R.C.’s blanket. R.C. was scared of the officials and worried they might continue to detain him as punishment.

#### Failure to Provide Medical Treatment

*K.A.*

K.A. is a 14-year-old girl. After CBP apprehended her, officials confiscated a gold necklace her mother had given her as well as K.A.’s asthma medication. Neither was returned to her upon release. Conditions in the detention facility aggravated K.A.’s asthma. In the first *hielera*, CBP officials squeezed approximately 80 people into what K.A. describes as a “tiny room” with no room to lie down. There was no privacy, and the toilet was exposed in plain view with a security camera located directly in front of it. K.A. suffered multiple asthma attacks during her detention. When K.A. had her first asthma attack, officials threatened that they would punish her if she were faking the attack. When K.A. finally received medical care, a doctor gave her another inhaler and medication. CBP officials again confiscated her medication, returning the inhaler only after she began to suffer another asthma attack. When K.A. told officials she had not received food, they told her to “suck it up” because she was “a no one in this country.” One official told her, “It would have been better had you stayed in your country, you have no business coming here.”

*H.R.*

CBP apprehended H.R. and his paternal aunt near Rio Grande City, Texas. At the time of his apprehension, H.R. was seven years old and was severely developmentally disabled and suffering from severe malnourishment. CBP detained H.R. for approximately five days without

any medical treatment. After being transferred to ORR custody, H.R. was hospitalized immediately, underwent surgery, and remained hospitalized for 42 days. His treating physicians and therapists diagnosed H.R. as suffering from a “global developmental delay,” “autism disorder,” and “severe malnutrition.” His examination revealed that at seven years of age he weighed only twenty-five pounds, the average weight of an 11-month old child.

*Y.B.*

Y.B. is a 15-year-old girl who was detained near Hidalgo, Texas. CBP detained her for approximately two days in four different holding cells. The facility was extremely cold and Y.B. became sick and developed stomach pains. CBP denied Y.B.’s requests for medication and told her she could not see a doctor. While in CBP custody, Y.B. tried to care for a 4-year-old girl who had become separated from her brother. Y.B. reports that when she asked for more food for the little girl, who was crying from hunger, an official told Y.B. that the little girl could “suck her thumb.” Y.B. was shackled while being transported. Although Y.B. asked an official if he could loosen the shackles at her waist because she was sick and had stomach pain, the official refused and instead tightened the shackles more.

#### Mistreatment of Infants and Pregnant and Nursing Minors

*J.P.*

J.P. is a 17-year-old girl. CBP detained J.P. and her infant child for six days in a cell so crowded that J.P. could not sit down. Although J.P. breastfeeds her baby, she saw other women asking for milk for their babies. CBP officials refused to provide milk and yelled at the women that they “should not be there” anyway. Some of the children cried from hunger. Through most of the time she was detained, J.P. did not have a blanket to keep her and her infant child warm in the *hielera*.

*Y.R.*

Y.R. is a 16-year-old girl who was apprehended with her two-year-old son. CBP detained Y.R. and her son in a holding cell with approximately 30 other individuals, including adults. Y.R. reports that the holding cell was “freezing cold,” and she was not provided with any blanket. After her third day in CBP custody, Y.R. realized that her son was feverish. She initially feared calling her son’s condition to the attention of the CBP officials, because she had witnessed how the officials screamed at anyone who asked for help. While one official did provide her with a wet towel to try to reduce her son’s fever, her other pleas for medical assistance were either ignored or dismissed. One official accused her of lying about her age because “sixteen year old girls do not have sons who are older than one.”

*M.R.*

M.R. is a 15-year-old girl who traveled from Guatemala with her two-year-old son, seeking the support of her family in the United States. M.R. recalls one official who asked, “What are you looking for in the United States? No one told you to come here.” M.R. reports that CBP officials gave her the same cold meals daily and that she had to sleep on a hard floor with only an aluminum “space blanket.” Along with other detainees, M.R. was made to clean the



bathrooms at the facility. On several occasions, she had to wait hours to receive clean diapers for her son. Both M.R. and her son became sick while in CBP custody, but M.R.'s requests for medical attention were ignored or dismissed for approximately five days, until she and her son were finally taken to a hospital. M.R. says that just thinking about the CBP holding facility in which she was detained makes her feel shaky and nauseous.

*O.M. and Z. M.*

O.M. is a five-year-old boy who fled his home country with his mother, Z.M. When Z.M. attempted to identify herself as an asylum seeker during an initial screening, CBP officials threatened that if she did not reveal who helped her to cross the border, they would take away her son and she would never see him again. CBP officials placed Z.M. in three-point shackles even though she was six and a half months pregnant and threw away her prenatal vitamins and the medication she had brought for O.M. In three days in CBP custody, officials gave O.M. juice and a spoiled burrito that he could not eat. O.M. ate only a cookie each day he remained in detention. He slept on the floor without any bedding. Z.M. reports that the cell smelled of urine and that she did not receive enough water. As CBP officials were separating O.M. and Z.M., O.M. began to cry. The official asked O.M. if he knew how to count, and O.M. responded, "Yes." The official told O.M. to count a week three times because he would not see his mother until that time had passed. In fact, Z.M. and O.M. were not reunited for approximately two months. O.M. describes being terrified and extremely depressed by the separation from his mother and his experience in CBP custody.

*S.G.*

S.G. is a 17-year-old girl who emigrated from Guatemala with her one-year-old daughter. CBP officials apprehended S.G. and her daughter and detained them in three different *hieleras* for approximately nine days. In the first *hielera*, an official yelled, "You are just coming to this country to steal our money." S.G. was not allowed to change her infant daughter's clothes and she was only once able to change her daughter's diaper. In the second *hielera*, CBP did not provide S.G.'s daughter with a blanket or food and did not provide any diapers until the third day. Her daughter did not receive any medical attention or medication despite being visibly sick. In the third *hielera*, S.G.'s daughter did not receive food until the third day. She cried constantly from hunger in all three *hieleras*.

*W.C.*

W.C. is a 17-year-old girl who traveled to the United States with her five-month-old daughter. W.C. reports that her daughter cried frequently in CBP detention and developed a fever. Officials refused to provide blankets to keep her warm. W.C. reports that the food in CBP custody was so bad that she could not eat it most days, causing her to faint on multiple occasions. When this happened, official would remark, "No one told you to come here." W.C. also states that because she was not eating enough, she could not produce enough milk for her daughter. When she asked officials for diapers or for juice for her daughter, they ignored her.

#### Inhumane Detention Conditions

*J.P.*

J.P. is a 12-year-old girl who left El Salvador with her sister because a gang member was stalking her. She feared the gang member would kidnap and rape her, like many other girls she knew who had also been targeted by gang members in her town. CBP detained J.P. and her sister near Hidalgo, Texas for nearly a full week. During this time, J.P. and her sister were denied adequate water and J.P.'s only meal was bread with frozen bologna. When she vomited after eating the food, officials told J.P., "No one told you to come to this country." When they were finally transferred to an ORR shelter, J.P. and her sister required medical treatment for dehydration.

Y.C.

Y.C. is a 10-year-old boy who fled death threats from gangs in El Salvador. CBP apprehended Y.C. and transferred him between several *hieleras*, but did not give him any food or water for a day. Y.C. is not certain how long he was detained because the lights in the holding cell were never turned off. The temperature in the holding room was so cold that the children could not sleep and Y.C. believed the officials were turning the temperature down to make it colder. If any children in the holding cell tried to play with each other, officials took them outside and yelled at them. CBP did not provide Y.C. with any personal hygiene items and the only bathroom available was in full view of the other detained children. CBP never returned Y.C.'s personal belongings.

J.R.

J.R., a 14-year-old girl from El Salvador, did not receive water for several hours after being apprehended by immigration officials. She eventually drank water tasting strongly of bleach out of a cup shared by other detainees. While she was detained, CBP only gave J.R. food twice a day: a frozen sandwich and a foul-smelling burrito with rotten beans. She repeatedly vomited after eating, but CBP did not provide any other food. J.R. found a worn and dirty aluminum blanket in her cell that had belonged to another detainee, but it was insufficient to keep her warm in the *hielera*. J.R. was unable to sleep because officials woke the children frequently. When the children spoke to each other, the officials yelled at them and jingled handcuffs in a threatening manner. J.R. describes feeling scared, unsafe and anxious throughout her time in detention—especially after she and her younger brother were separated. CBP officials confiscated a gold locket with a picture of J.R. and her brother and never returned it.

L.G.

L.G. is a 17-year-old boy. CBP detained L.G. for five days in a very cold cell in which the lights were kept on all night. During that time, the only food CBP officials provided was "Cup of Noodles" soup with cold water. L.G. was forced to eat the soup with his bare hands and he became ill. CBP officials allowed L.G. to bathe, but placed him in handcuffs while he bathed.

C.S.

C.S. is a 17-year-old girl who was apprehended after crossing the Rio Grande. CBP detained C.S. in a *hielera* in wet clothes that did not dry for the duration of the three and a half days she was there. The only drinking water available to C.S. came from the toilet tank in her

holding cell. The bathroom was situated in plain view of all other detainees with a security camera mounted in front of it. C.S. could not sleep because the temperature was so cold, the lights were on all night, and officials frequently woke the detainees when they tried to sleep.

*J.R.*

J.R. is a 16-year-old boy who was detained four days in four different *hieleras*. In one holding cell, CBP gave J.R. and about forty others one gallon of water to share and denied requests for more water. CBP gave J.R. a sandwich twice a day, but he vomited after eating. CBP did not provide J.R. with any blanket to keep warm in the *hielera* and J.R. developed a fever and body aches. CBP did not allow J.R. to see a doctor and he did not receive medical attention until after he was transferred to an ORR shelter.

*L.D.*

L.D. is a 17-year-old boy, who was abandoned by both of his parents and lived on his own from a young age, working twelve-hour shifts for very little money in order to feed himself. As a child with no parents and no adult protection, gangs tried to force L.D. into drug trafficking. When he refused, they threatened to kill him and so he fled. After he was apprehended, CBP detained L.D. in two different *hieleras*. Officials did not give him enough food or water, and told him he had to clean the toilet and pick up garbage if he wanted to receive any food. The *hielera* was very cold and he only had a thin “space blanket” to keep warm. L.D. used the same blanket to try to cover himself when he used the bathroom, which was in plain view of the other detainees. When L.D. developed a fever, he asked for medicine, but CBP did not provide any medical attention.

#### Due Process Concerns

*J.V.*

J.V., a 16-year-old boy, did not receive adequate drinking water during four days in CBP custody. He and most of the other detainees in his cell became sick after eating the food. The group of more than 100 detainees shared one toilet, located in plain view of everyone in the holding cell and CBP officials. Officials stripped J.V. of the additional layers of clothes he had with him—a standard practice before placing detainees in the *hielera*. J.V. developed a fever while in custody, but CBP denied his request for medical care. Officials hit and kicked J.V.’s feet to wake him when he tried to sleep. CBP officials confiscated and failed to return J.V.’s birth certificate, and attempted to force J.V. to sign what J.V. believes was a deportation order. When J.V. tried to read the document, officials tore up the document, offered a new one, and again told him to sign.

*K.H.*

K.H. is an orphan who was apprehended at the border when she was 17-years-old. K.H. fled to the safety of her extended family in the United States after a gang tried to force her into a sexual relationship with one of their members. In CBP custody, K.H. did not receive any clean water to drink and had to sleep on the floor of a cold cell with no blankets. She was unable to sleep because CBP officials made noise all night and kept the lights on. Because she is an

orphan, K.H. would have been eligible for Special Immigrant Juvenile Status (SIJS), a defense to removal which must be initiated prior to a child's 18th birthday. However, because CBP officials confiscated her identity documents and did not return them, K.H. was unable to file an application for SIJS before her 18th birthday.

S.R.

S.R. was 11-years-old when CBP apprehended him. CBP officials separated S.R. from his 14-year-old sister. S.R. describes feeling anxious and scared after the separation, because he did not know if or when he would see her again. CBP did not give him water until two days after he was detained, and the water he ultimately received tasted strongly of chlorine. There was insufficient water for everyone and all the detainees in S.R.'s cell drank from the same cup. S.R. received food twice a day. He became ill and his stomach ached and S.R. believed this was due to the dehydration and lack of food. CBP officials frequently woke him, depriving him of sleep. S.R. recalls seeing CBP officials remove young boys from the holding cell in the middle of the night and believes they were deported. S.R. was not permitted to use the telephone to call his parents or consulate and officials threatened to deport him if he did not do as they said.

M.E.

M.E. is a 16-year-old girl who fled from Mexico to the United States after her brother was disappeared and both she and her family received multiple death threats. When she was apprehended, an immigration official in civilian clothes asked her, "What right do you have to come to our country?" When M.E. tried to explain what she and her family experienced, the official told her she would not get through with her *pinche mentira* (fucking lie) because he knew how to detect a liar like her. In detention, M.E. did not eat because the food CBP gave her appeared and smelled spoiled. She was forced to use a bathroom in plain view of all other detainees and did not have access to soap or hygiene items. The only blanket CBP provided was thin and had the residue of someone else's food on it. M.E. was separated from her older brother, who was also seeking asylum, and she still does not know what happened to him. M.E. fears her brother may have been deported and killed by those threatening their family. Although M.E. continually attempted to seek asylum, CBP returned her to Mexico at the border multiple times before she was ultimately allowed into the United States to seek asylum and transferred to an ORR shelter.

E.M.

CBP detained E.M., a 15-year-old girl, for a total of eight days. Officials gave her water that smelled strongly of chlorine and she became ill after consuming the food CBP provided to her. She was forced to sleep in a very cold and uncomfortable cell. E.M. experienced difficulty sleeping because the lights in the holding cell were never turned off and the facility was extremely noisy. She was not allowed to use a private restroom, nor was she given any personal hygiene items. Her personal belongings were not returned to her. CBP officials yelled at E.M. and told her that they were going to deport her. CBP officials refused to allow E.M. to call her parents or her consulate.

#### Use of Shackles



A.B.

A.B. is a 15-year-old boy who was apprehended near McAllen, Texas. A.B. reported that while in CBP custody, an officer forced children to stand against a wall for long periods of time as punishment and yelled that this is his country and he is in charge. During A.B.'s transfer to ORR custody, CBP placed A.B. in three-point shackles from his ankles to waist to wrists. A.B. felt the shackles were too tight around his ankles and caused him pain. When A.B. told the officers that the shackles hurt him, they told him to "deal" with it.

M.G.

M.G. is a 14-year-old boy who fled El Salvador out of fear that gang members would kill him. CBP detained him for approximately four days in frigid detention facilities. He reports being "cold, hungry and scared." Upon leaving the last holding cell, officials shackled M.G. at the hands, waist and ankles, causing pain and making it difficult for him to walk. M.G. states, "I felt terrible; I felt like a criminal."

W.M.

W.M. is a 17-year-old boy who was detained near Rio Grande City in Texas, where he was held in CBP custody for approximately four days. While he was transferred from detention, CBP shackled W.M. at the hands, waist and feet, which caused discomfort and pain. He says he did not alert officials that he was in pain "because they didn't care for us and would have been mad."

D.Q.

D.Q. is a 16-year-old girl who was detained in Harlingen, Texas. During her approximately nine days in CBP custody, officials continuously insulted and harassed her and the other children in her holding cell. Officials asked, "Why don't you return to your country?" and called the children "*pinches cabrones*," ("fucking bastards"). Some officials mocked the children's names. D.Q. witnessed officials hitting some of the girls and saw one boy go into convulsions following an asthma attack. D.Q. reports that the boy's sister began screaming for help and officials responded only by bringing the boy a soda. When transported, D.Q. was shackled tightly. In D.Q.'s words, "Never in my life had I been shackled. I felt like an animal."

### III. Legal Standards Governing Unaccompanied Immigrant Children

DHS and its components, including CBP and Border Patrol, have an obligation to secure the safety and well-being of all individuals in their custody, including unaccompanied children. In addition to constitutional protections applicable to unaccompanied immigrant children, Congress has enacted legislation to codify certain standards of detention and release for immigrant children.<sup>39</sup> DHS has additionally issued some policy guidance to address procedural and substantive safeguards for these children.<sup>40</sup> These efforts notwithstanding, existing

<sup>39</sup> See generally 2002 HSA; 2008 TVPRA.

<sup>40</sup> U.S. Customs and Border Protection, "Hold Rooms and Short Term Custody Policy," (June 2, 2008) (hereinafter CBP 2008 Hold Rooms and Short Term Custody Policy) available at <http://1.usa.gov/1kPIJpZ>.

legislation and agency policies are insufficient to address the continuing abuses of unaccompanied children by CBP officials.

A. *Flores Settlement Agreement*

Abuse of immigrant children by immigration officials has spurred extensive litigation, in particular the historic *Flores v. Reno* litigation, which established much of the current legal framework governing unaccompanied children in government custody. Still, many of the same problems that gave rise to the *Flores* litigation persist. That litigation—filed at a time of increased Central American migration and in response to growing concern about extended detention and harsh conditions faced by immigrant children in the custody of the former Immigration and Naturalization Services (INS)—resulted in the *Flores* Settlement Agreement (*Flores*) in 1997.<sup>41</sup> *Flores* articulated the important principle that children in detention are to be treated with “dignity, respect and special concern for their particular vulnerability.”<sup>42</sup> Among other commitments established by *Flores*, the former INS agreed to promulgate regulations to ensure detention facilities met minimum standards, while also committing to adhere to the least restrictive detention setting for these children.

Almost two decades have passed since the *Flores* Settlement Agreement was reached and DHS has failed to promulgate permanent regulations. *Flores* therefore remains the national policy regarding the treatment of unaccompanied immigrant children in federal custody, binding DHS and its component agencies to the standards articulated in the Agreement. Nonetheless, multiple human rights organizations and governmental agencies have issued public reports noting the lack of compliance with *Flores*. For example, in 2001, the Department of Justice (DOJ) responded by commissioning an Office of the Inspector General (OIG) investigation, which found multiple agencies practices that put detained children at risk.<sup>43</sup> OIG also noted deficiencies in data tracking and analysis to identify systemic problems in custody times and facility placements.<sup>44</sup>

In 2007, an unaccompanied child challenged violations of *Flores* at the T. Don Hutto Residential Center in Taylor, Texas.<sup>45</sup> In granting the plaintiff’s motion for a preliminary injunction in part, the court addressed the limitations of *Flores*, which fails to correspond to present day realities:

“Of course, the provisions of this settlement agreement, entered over ten years ago, were never intended to be permanent authority, much less the *only* binding authority setting standards for the detention of minor aliens. The *Flores* Settlement was intended as a stopgap measure until the United States could

<sup>41</sup> See generally *Flores v. Reno*, No. CV 85-4544-RJK(Px)(C.D. Cal. Jan. 17, 1997) available at <http://bit.ly/1o2ThEa>.

<sup>42</sup> *Id.* at 6.

<sup>43</sup> Office of the Inspector General Report, *Report Number I-2001-009: Unaccompanied Juveniles in INS Custody* (September 28, 2001) (hereinafter *OIG 2001 Unaccompanied Juveniles*), available at <http://1.usa.gov/UmJOLa>; see also, Human Rights Watch, *Slipping Through the Cracks: Unaccompanied Immigrant Children Detained By The U.S. Immigration and Naturalization Service* (April 1997) (hereinafter *HRW Unaccompanied Immigrant Children*), available at <http://bit.ly/1ozItLG>; Amnesty International, *United States of America: Human Rights Concerns in Border Region With Mexico* (1998) available at <http://bit.ly/1n0R5Ig>.

<sup>44</sup> *Id.*

<sup>45</sup> *Bunikyte, ex rel. Bunikiene v. Chertoff*, 2007 WL 1074070 (W.D.TX 2007)

promulgate reasonable, binding standards for the detention of minor in immigration custody...Despite the passage of just over a decade, neither DHS nor Congress has yet promulgated binding rules regarding standards for the detention of minors. In fact, it appears that *Flores* is the only binding legal standard directly applicable to the detention of minor aliens by the United States government, despite the passage of time and the drastic changes in immigration policy since this judgment was first entered....”<sup>46</sup>

#### B. *Post-Flores Legislation*

Building on the child protective framework established in the *Flores* Settlement Agreement, the 2002 Homeland Security Act (HSA) and the 2008 Trafficking Victims Protect Reauthorization Act (TVPRA) adopted additional provisions governing the treatment of children in DHS custody. The HSA transferred the responsibility for the care, placement, and internal relocation of unaccompanied children to ORR while DHS maintains responsibility for apprehension and repatriation.<sup>47</sup> The HSA also codified the requirement that unaccompanied immigrant children be transferred to ORR custody within 72 hours.<sup>48</sup> The TVPRA later reiterated the 72-hour period in which the transfer of children in DHS custody to ORR custody must occur.<sup>49</sup> Nonetheless, ORR’s ability to ensure sufficient shelter space for children to be transferred to ORR custody within 72 hours depends largely on the funds appropriated each year by Congress, and funding for ORR has not kept pace with the increasing number of unaccompanied children arriving in the United States each year.<sup>50</sup> Meanwhile, funding for border enforcement, including CBP and Border Patrol operations has continued to rise.<sup>51</sup>

Additional protections were created in the 2003 Prison Rape Elimination Act (PREA), for which DHS adopted implementing regulations that were effective beginning May 6, 2014.<sup>52</sup> Under those standards, minors, defined as those under the age of 18, are to be detained in the least restrictive setting, consistent with TVPRA and *Flores*. Unaccompanied minors are to be “generally” held separately from adult detainees by “minimizing sight, sound, and physical contact.”<sup>53</sup> PREA prohibits facility staff from performing body cavity searches on minors,

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<sup>46</sup> *Id.* at \*2.

<sup>47</sup> 6 U.S.C. § 279(a).

<sup>48</sup> *See* 6 U.S.C. § 279.

<sup>49</sup> *See* 8 U.S.C. § 1232(b)(3).

<sup>50</sup> Rogers *Politico* Article, *supra* at 17 (“President Barack Obama surprised many by asking for no increase in UAC funding in his March plan for new 2015 fiscal year that begins Oct. 1. Frustrated Democrats accuse the White House of lowballing the costs to make room for the president’s initiatives under the strict spending caps negotiated last December for 2015.”)

<sup>51</sup> M.R. Rosenblum & D. Meissner. *The Deportation Dilemma: Reconciling Tough and Humane Enforcement*, Migration Policy Institute (April 2014) available at <http://bit.ly/1nCh4JG>.

<sup>52</sup> Prison Rape Elimination Act of 2003, Pub.L.No. 108-19, September 4, 2003; *see also* Department of Homeland Security, “Standards To Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities,” 79 FR 13099 (2014) (hereinafter DHS 2014 PREA Regulations).

<sup>53</sup> DHS 2014 PREA Regulations at §§ 115.14, 115.114. Notably, DHS refused to incorporate comments received that the agency promulgate specific PREA standards that would govern facilities that hold unaccompanied immigrant children – which would include CBP facilities – reasoning that, “With respect to juveniles detained outside of family units, as noted above, unaccompanied alien children are generally placed with ORR almost immediately; ORR is responsible for making decisions related to the care and custody of such children in their charge. For the 72-hour intervening period up to which DHS may generally maintain custody, concerns about abuse should be alleviated by the strong requirements in both subparts that generally prohibit juveniles from being held with adult detainees in non-familial situations. DHS believes that the final standards on juvenile and family



requiring that such searches be conducted by medical practitioners. PREA also incorporates the 72 hour deadline by which children should be transferred to an ORR facility, except in “exceptional circumstances.”

Despite the protections afforded by multiple statutes, however, children continue to experience mistreatment and abuse following apprehension by Border Patrol and in CBP custody. For example, unaccompanied immigrant children regularly report being held in CBP custody beyond the 72 hour period established by the 2002 HSA and 2008 TVPRA, or even beyond the five days contemplated by the *Flores* Settlement Agreement in extenuating circumstances. Furthermore, although the TVPRA mandates that agents receive training to understand the special vulnerabilities of unaccompanied children, the stories of the children recounted in this complaint indicate that such training is ineffective in preventing widespread abuse by CBP officials.

### C. *Agency policy*

CBP has issued a very limited set of short-term custody standards, as well as detention, transport and escort procedures. These policies, however, are generally directed towards *all* individuals in CBP custody, with only some provisions specific to children. Moreover, as numerous human rights reports<sup>54</sup> and the complaints documented herein make clear, the standards that do exist are often disregarded in practice, and no entity within CBP is charged with ensuring system-wide compliance with these standards.

For example, though CBP published interim guidance in 2005 specific to unaccompanied children, CBP’s 2008 Hold Rooms and Short Term Custody Policy applies to both adults and children.<sup>55</sup> The 2008 directive purports to establish the “national policy for the temporary detention, transport and escort of persons by CBP.”<sup>56</sup> It underscores the fact that the terms of the *Flores* Settlement are binding.<sup>57</sup> Under the directive, unaccompanied children are to be provided a meal after eight hours of detention or if it is believed their detention will be longer than eight hours, with a meal being provided each additional six hours. Two of three meals within any 24-hour period must be hot. Furthermore, juveniles, small children, toddlers, and babies and pregnant women are to have regular access to snacks, milk, and juice at all times.<sup>58</sup> The absolute maximum time allowed to hold unaccompanied children under extenuating circumstances is limited to five days, as originally stated in the *Flores* settlement.<sup>59</sup> In addition, CBP’s August 2011 Directive No. 3340-030B, on detention, transport and escort procedures at Ports of Entry provides that “When an official determines that conditions warrant the use of restraints for

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detainees, with the revisions noted above, sufficiently protect juveniles in immigration detention and holding facilities. Due to these factors, DHS has declined to promulgate a wholly separate set of standards for facilities that house juveniles.” Unfortunately, the agency’s reliance on observance of the 72 hour transfer period and prohibition of co-mingling with adults is undermined by some of the children’s statement attached to this complaint.

<sup>54</sup> See *supra*, nn. 4 & 9.

<sup>55</sup> CBP 2008 Hold Rooms and Short Term Custody Policy at 1 referencing “Interim Guidance on Unaccompanied Juveniles in Custody,” Memorandum to All Chief Patrol Agents from David V. Aguilar, Chief, U.S. Border Patrol (September 2, 2005).

<sup>56</sup> *Id.* at 1.

<sup>57</sup> CBP 2008 Hold Rooms and Short Term Custody Policy at 10.

<sup>58</sup> *Id.* § 6.8 at 8.

<sup>59</sup> *Id.* § 6.2.4.2 at 4. The 2008 CBP Hold Rooms and Short Term Custody Policy actually requires that “every effort” be made to place of unaccompanied immigrant children in ORR custody within 12 hours.



members of a family unit or juveniles, the official must be able to articulate the conditions which require the restraints”<sup>60</sup> Any use of restraints during transport “shall be reasonable under the circumstances.”<sup>61</sup> Unredacted portions of the directive do not explain when restraints are deemed “reasonable;” however, as noted, CBP regularly uses restraints on children as young as 13 and 14-years-old without justification. As illustrated by this complaint, many of these guidelines are regularly disregarded in practice.

More than 17 years after the *Flores* Settlement Agreement, *Flores* remains the only substantive policy regarding the rights and protections afforded to unaccompanied children in immigration custody. Subsequent legislation regarding the custody of immigrant children has failed to live up to the mandate or promise of *Flores*. Although DHS has attempted to establish specific agency policies and guidelines, these policies are limited and not legally binding and CBP officials blatantly and routinely ignore them, as documented by numerous human rights reports and in the complaints documented herein. The lack of substantive, legally binding custody standards is exacerbated by the lack of effective oversight and accountability for CBP officials who commit abuses and violate the law and/or agency guidelines, resulting in a culture of impunity. In sum, existing legal protections have proven inadequate to prevent the continued, widespread abuse of vulnerable unaccompanied immigrant children in CBP custody. Substantial reforms are needed.

#### IV. Conclusion

Numerous sources, including the U.S. government, predict that the number of unaccompanied immigrant children fleeing to the United States to escape violence and poverty in Central America and Mexico will continue to rise.<sup>62</sup> It is therefore imperative for the government to take significant affirmative steps to address the ongoing, systemic abuse of this vulnerable population by U.S. immigration officials. Several of the reports cited herein have already provided detailed recommendations for agency reforms, which we urge DHS and policymakers to consider.<sup>63</sup>

Consistent with the principles articulated in *Flores*—that all immigrant children must be treated “with dignity, respect and special concern for their particular vulnerability as minors”—and to ensure compliance with all applicable laws and policies, the undersigned organizations request that CRCL and OIG promptly and thoroughly investigate each of the allegations of abuse documented in this complaint, hold individual agents accountable for unlawful or improper

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<sup>60</sup> U.S. Customs and Border Protection, CBP Directive No. 3340-030B, “Secure Detention, Transport and Escort Procedures At Port of Entry, August 8, 2008 at 18, §9.15.9 (hereinafter CBP 2008 Secure Detention, Transport and Escort Directive).

<sup>61</sup> *Id.* at 18, § 9.15.14.

<sup>62</sup> See WRC *Forced From Home* at 4; Gordon *Mother Jones* Article, *supra* at 39; Preston *NYT* Article, *supra* at 39; Rogers *Politico* Article, *supra* at 17.

<sup>63</sup> See WRC *Forced From Home* at 22-24; NMD *A Culture of Cruelty* at 8-9; Appleseed *Children at the Border* at 33-45; WRC *Halfway Home* at 36-38; Florence Project *Seeking Protection, Enduring Prosecution* at 17-19; NMD *Crossing the Line* at 23-25; April 16, 2014 Letter from the National Immigrant Justice Center to HHS and DHS regarding the recommendations for the April 17 Unaccompanied Alien Children Strategy Listening Session, available at <http://bit.ly/1kLiEY3>; May 23, 2014 Letter from the National Immigrant Justice Center, Kids in Need of Defense, Capital Area Immigrants’ Rights Coalition, and American Friends Service Committee to Secretary Jeh Johnson regarding recommendations to respond to the influx of unaccompanied children, available at <http://bit.ly/1qjZOrg>.

conduct, release the results of those investigations publicly, and issue recommendations for necessary reforms. Most of the children included in this complaint are eligible for immigration relief on the basis of some past harm(s); however, we request that CRCL and OIG recommend appropriate immigration relief for *any* children found to have been abused by CBP officials. We also urge CRCL and OIG to fully engage interagency partners to minimize the extent to which children remain in CBP custody – an agency whose primary mission is border security and who lacks appropriate child welfare infrastructure. In many cases, DHS’ interagency partners are better positioned and trained to care and contend for the myriad of complex issues involving the care of unaccompanied immigrant children, many of whom are also victims of violence.

We further call on DHS and CBP, in coordination with ORR and other federal agencies, to establish an emergency plan and procedures to prevent the widespread abuse described herein, and to ensure children receive the full legal and humanitarian protections mandated by law, including the following key steps:

1. DHS should work to ensure that children are not held in CBP custody for more than 24 hours, in coordination with ORR and other federal agencies. At a minimum, CBP must observe the 72-hour time limit that unaccompanied children can remain in CBP custody;
2. DHS should promulgate and enforce binding short-term detention standards, with provisions specific to unaccompanied children, including policies prohibiting separation of children from family members with whom they are traveling and prohibit the shackling of children absent exceptional circumstances. DHS should develop a protocol for the immediate transfer of children suffering from medical conditions to the appropriate medical provider. In addition, DHS should ensure that CBP facilities that hold children are staffed with officials trained in child welfare and the treatment of victims of violence;
3. DHS should fully implement PREA at all CBP facilities, and should expedite the PREA requirement of comprehensive training<sup>64</sup> for all officers and agents who encounter detainees in holding cells, so that such training is completed within six months;
4. DHS should not delegate screening responsibilities for unaccompanied immigrant children to CBP, but rather to USCIS, HHS, or to another, appropriate federal agency with specific training on interview techniques for children and other vulnerable populations;
5. DHS should create an office at CBP Headquarters responsible for CBP detention operations, planning, and oversight, and implement routine and transparent independent monitoring of short-term detention facilities. DHS should make reports based on these inspections available to the public and Congress;
6. DHS should implement a Department-wide uniform complaint process,<sup>65</sup> and create an expedited, confidential process by which unaccompanied immigrant children can safely

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<sup>64</sup> See 6 C.F.R. 115.31.

<sup>65</sup> For specific recommendations to DHS on a uniform complaint process, see ACLU, AIC, AILA, AIJ, Border Network for Human Rights, Jesuit Refugee Service/USA, Kino Border Initiative, Latin America Working Group, LIRS, National Immigration Forum, NYCLU, Northwest Immigrant Rights Project, Rio Grande Valley Equal Voice

report abuse while in federal custody or following release, and receive timely intervention or recourse;

7. DHS should adopt a zero-tolerance policy for any official who mistreats or abuses children in CBP custody. Officials found to have engaged in this conduct should be immediately terminated. Officials who have pending complaints regarding misconduct should not be permitted to come in contact with children or other vulnerable populations until the complaint is investigated and resolved;
8. DHS should require additional immediate training regarding the agency's obligations under *Flores*, the TVPRA, HSA, PREA and relevant agency guidelines for all DHS and CBP officials who may encounter unaccompanied immigrant children. All such training should be in person and based on the recognition that children must be treated with dignity and respect, incorporate child welfare concepts, and be developed and provided in partnership with NGOs with relevant expertise;
9. Finally, the undersigned organizations urge ORR and its contractors, including all service providers working with unaccompanied children, to implement additional screening protocol for identifying, documenting, and reporting instances of abuse of unaccompanied children by CBP officials to DHS, and obtaining all available forms of assistance for victims of abuse.

Thank you for your attention to this urgent matter. Each of the complaints referenced herein is documented in greater detail in the attached Appendix. For purposes of investigating individual allegations of abuse, please contact the organization responsible for each affidavit directly. For general inquiries, please contact Ashley Huebner via e-mail at [ahuebner@heartlandalliance.org](mailto:ahuebner@heartlandalliance.org) or by telephone at (312) 660-1303, or James Lyall via e-mail at [jlyall@acluaz.org](mailto:jlyall@acluaz.org) or by telephone at (602) 650-1854. We look forward to your prompt response.

Sincerely,

Ashley Huebner  
National Immigrant Justice Center  
[ahuebner@heartlandalliance.org](mailto:ahuebner@heartlandalliance.org)  
(312) 660-1303

Erika Pinheiro  
Esperanza Immigrant Rights Project  
[epinheiro@ccharities.org](mailto:epinheiro@ccharities.org)  
(213) 251-3538

Joe Anderson  
Americans for Immigrant Justice  
[janderson@aijustice.org](mailto:janderson@aijustice.org)  
(786) 454-8564

Lauren Dasse  
Florence Immigrant Rights &  
Refugee Project  
[ldasse@firrp.org](mailto:ldasse@firrp.org)  
(520) 868-0191

James Lyall  
ACLU Border Litigation Project  
[jlyall@acluaz.org](mailto:jlyall@acluaz.org)  
(602) 650-1854

---

Network, Southern Border Communities Coalition, U.S. Jesuit Conference, and WRC, *Recommendations to DHS to Improve Complaint Processing*, available at <http://bit.ly/1uFIIXo>.

Cc: Jeh Johnson  
Secretary of Homeland Security  
Department of Homeland Security  
245 Murray Lane SW  
Washington, D.C. 20528

Jocelyn Samuels  
Acting Assistant Attorney General  
Civil Rights Division  
Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

Gil Kerlikowske  
Commissioner  
U.S. Customs and Border Protection  
1300 Pennsylvania Ave. NW  
Washington, DC 20229

Eskinder Negash  
Director  
Office of Refugee Resettlement  
Department of Health and Human  
Services  
370 L'Enfant Promenade SW  
Washington, D.C. 20447



## APPENDIX

Exhibit	Name	Alien Number	Filing Organization
1	(b)(6)		Esperanza
2			Esperanza
3			Esperanza
4			Esperanza
5			Esperanza
6			Esperanza
7			NIJC
8			Esperanza
9			NIJC
10			Esperanza
11			Esperanza
12			Esperanza
13			Esperanza
14			NIJC
15			Esperanza
16			NIJC
17			NIJC
18			Esperanza
19			Esperanza
20			Esperanza
21			Esperanza
22			Esperanza
23			NIJC
24			Esperanza
25			NIJC
26			Esperanza
27			Esperanza
28			Esperanza
29			Esperanza
30			Esperanza
31			Esperanza
32			Esperanza
33			Esperanza
34			Esperanza
35			AI Justice
36			Esperanza
37			Esperanza
38			Esperanza

39	(b)(6)	Esperanza
40		Esperanza
41		Esperanza
42		Esperanza
43		Esperanza
44		NIJC
45		Esperanza
46		Esperanza
47		Esperanza
48		Esperanza
49		Esperanza
50		Esperanza
51		Esperanza
52		Esperanza
53		Esperanza
54		Esperanza
55		Esperanza
56		Esperanza
57		Esperanza
58		Esperanza
59		Esperanza
60		Esperanza
61		Esperanza
62		NIJC
63		Esperanza
64		Esperanza
65		Esperanza
66		Esperanza
67		Esperanza
68		Esperanza
69		Esperanza
70		Esperanza
71		Esperanza
72		Esperanza
73		NIJC
74		Esperanza
75		Esperanza
76		Esperanza
77		NIJC
78		Esperanza
79		Esperanza
80		NIJC

81	(b)(6)	Esperanza
82		NIJC
83		Esperanza
84		Esperanza
85		Esperanza
86		Esperanza
87		NIJC
88		Esperanza
89		Esperanza
90		Esperanza
91		Esperanza
92		Esperanza
93		Esperanza
94		Esperanza
95		Esperanza
96		NIJC
97		NIJC
98		AI Justice
99		Esperanza
100		Esperanza
101		NIJC
102		Esperanza
103		Esperanza
104		Esperanza
105		NIJC
106		Esperanza
107		Esperanza
108		Esperanza
109		Esperanza
110		Esperanza
111		Esperanza
112		Esperanza
113		Esperanza
114		Esperanza
115		Esperanza
116		FIRRP

<sup>1</sup> Ex. 98, Complaint on behalf of (b)(6) was previously filed with CRCL by AIJustice. It has been assigned CRCL Complaint No. 14-03-CBP-0048 and is currently pending.

<sup>2</sup> Ex. 116, Complaint on behalf of (b)(6) was previously filed with CRCL by Florence Immigrant and Refugee Rights Project. It has been assigned CRCL Complaint No. 14-08-CBP-0180 and is currently pending.

**From:** (b)(6)  
**To:** [CRCL Compliance](#)  
**Cc:** (b)(6)  
**Subject:** FW: Response to UAC Complaint Submission  
**Date:** Tuesday, July 01, 2014 1:07:37 PM  
**Attachments:** [Response re UAC complaint submission Dasse 6.30.14.pdf](#)  
**Importance:** High

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(b)(6)

Director Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

Tel (202) 357-(b)(6)

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

---

**From:** CRCL Officer  
**Sent:** Monday, June 30, 2014 4:50 PM  
**To:** [ldasse@firrp.org](mailto:ldasse@firrp.org)  
**Cc:** [jlyall@acluaz.org](mailto:jlyall@acluaz.org); [epinheiro@ccharities.org](mailto:epinheiro@ccharities.org); [janderson@aijustice.org](mailto:janderson@aijustice.org); [ahuebner@heartlandalliance.org](mailto:ahuebner@heartlandalliance.org)  
**Subject:** Response to UAC Complaint Submission  
**Importance:** High

Good afternoon,

Please find the attached response regarding the unaccompanied children (UAC) complaint submission.

If there are any questions please contact us.

Regards,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

202-357-(b)(6)







**Homeland  
Security**

June 30, 2014

Lauren Dasse  
Florence Immigrant Rights & Refugee Project  
[ldasse@firrp.org](mailto:ldasse@firrp.org)

Dear Ms. Dasse:

Thank you for contacting the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding the treatment of unaccompanied children (UAC) in DHS custody. It is, without question, an urgent humanitarian situation that requires all of our collective efforts to solve. We are in the process of analyzing and categorizing the information sent in your joint complaint filing. We are grouping the complaints by Border Patrol Sector and triaging the most serious allegations to make any investigation that we initiate more effective. However, prior to CRCL opening any complaints, CRCL must refer the matters to the Office of the Inspector General (OIG), as that office has the option to retain any complaint allegations CRCL receives and conduct its own investigation. Please note that some of the information provided will not become a formal complaint because it lacks sufficient information for us to investigate, the issue is covered in other complaints, or because the concern was recently investigated by CRCL and CRCL is working with CBP for final resolution. However, the allegations we do not investigate will be entered into our database and tracked as part of CRCL's Compliance Information Layer.

As we review and group the allegations, we will determine how best and when to conduct investigations. Please note, CRCL already has a mid-July onsite investigation planned in Border Patrol's Rio Grande Valley Sector (RGV), where many of the joint complaint allegations occurred. We hope to expand the RGV investigation to address some issues in your joint complaint. While onsite, the team will review virtually every station in the RGV Sector. Regarding allegations that did not occur in RGV, CRCL intends to move forward on a number of investigations as soon as the IG has decided whether to retain the matters.

Following our July onsite investigation, as well as following other investigations related to the joint complaint, CRCL will work with U.S. Customs and Border Protection (CBP) on any improvements and other recommendations we develop as a result of the investigation. This includes potential recommendations addressing individual stations as well as broad recommendations addressing overarching CBP policy, procedures, and training. Subsequently, we will continue to work with CBP to ensure those recommendations are implemented. We will let you know when the investigation is complete and closed.

Please be aware that DHS has undertaken a number of efforts to address the influx of families and unaccompanied children on the southern border. To create the needed additional capacity to process the unaccompanied children in Texas, children are brought to CBP processing centers at Nogales, Arizona and El Paso, Texas before they are sent to HHS. Meanwhile, the Department of Defense (DoD) has provided space at Lackland Air Force Base in Texas for HHS to house the children before HHS can place them. DoD is also providing facilities at Fort Sill, Oklahoma and Venture, California for the same purpose. The Federal Emergency Management Agency (FEMA), other parts of DHS, and the Department of Health and Human Services (HHS) are working to continue to identify additional facilities to house and process the influx of children.

DHS is also working in tandem with HHS to expedite processing and placement for these children. We are developing ways to expedite background checks for sponsors of children, integrate CBP and HHS information sharing systems, and increase capacity to transport and place children. Additionally, DHS and HHS are increasing Spanish-speaking case management staff, increasing staff handling incoming calls from parents or guardians, and surging staff to manage the intake of CBP referrals to track shelter bed capacity and facilitate shelter designations.

Throughout the Rio Grande Valley Sector, we are conducting public health screening for all those who come into our facilities for any symptoms of contagious diseases or other possible public health concerns. Working through FEMA's National Response Coordination Center, we are coordinating with voluntary and faith-based organizations to help us manage the influx of unaccompanied children crossing the border. The American Red Cross is providing blankets and other supplies and, through its Restoring Family Links program, is coordinating calls between children in the care of DHS and families anxious about their well-being.

To stem the tide of undocumented children and families seeking to enter the United States, we have also been in contact with senior government officials of Guatemala, El Salvador, Honduras, and Mexico to address our shared border security interests, the underlying conditions in Central America that are promoting the mass exodus, and how we can work together to assure faster, secure removal and repatriation.

DHS, together with DOJ, has added personnel and resources to the investigation, prosecution, and dismantling of the smuggling organizations that are facilitating border crossings into the Rio Grande Valley. ICE will continue to vigorously pursue and dismantle these alien smuggling organizations by all investigative means to include the financial structure of these criminal organizations. These organizations not only facilitate illegal migration across our border, they traumatize and exploit the children who are objects of their smuggling operation.

We are re-initiating and intensifying our public affairs campaigns in Spanish, with radio, print, and TV spots, to communicate the dangers of sending unaccompanied children on the long journey from Central America to the United States, and the dangers of putting children into the hands of criminal smuggling organizations.

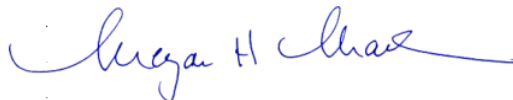
DHS is also building additional detention capacity for adults who cross the border illegally in the Rio Grande Valley with their children. For this purpose, DHS is establishing a temporary

facility for adults with children on the Federal Law Enforcement Training Center's campus at Artesia, New Mexico. The establishment of this temporary facility will help CBP process those encountered at the border and allow ICE to increase its capacity to house and expedite the removal of adults with children in a manner that complies with federal law. Artesia is one of several facilities that DHS will rely on to increase our capacity to hold and expedite the removal of the increasing number of adults with children illegally crossing the southwest border.

Meanwhile, we will also expand use of the Alternatives to Detention program to utilize all mechanisms for enforcement and removal in the Rio Grande Valley Sector. DOJ and DHS are taking additional steps to enhance enforcement and removal proceedings in the Rio Grande Valley. DOJ is adding judges in the Rio Grande Valley to handle more immigration court hearings, in cases where hearings are necessary, while also ensuring that those with asylum protection claims are appropriately reviewed. Overall, this increased capacity and resources will allow ICE to return unlawful migrants from Central America to their home countries more quickly.

Thank you for your interest in this matter of critical importance to CRCL. Please direct any further inquiries regarding your complaint submission to (b)(6) Director, Compliance Branch, who can be reached at (b)(6) @hq.dhs.gov and at 202-357-(b)(6)

Sincerely,



Megan H. Mack  
Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

Copies to:

Joe Anderson  
Americans for Immigrant Justice  
[janderson@aijustice.org](mailto:janderson@aijustice.org)

James Lyall  
ACLU Border Litigation Project  
[jlyall@acluaz.org](mailto:jlyall@acluaz.org)

Erika Pinheiro  
Esperanza Immigrant Rights Project  
[epinheiro@ccharities.org](mailto:epinheiro@ccharities.org)

Ashley Huebner  
National Immigrant Justice Center  
[ahuebner@heartlandalliance.org](mailto:ahuebner@heartlandalliance.org)



**From:** (b)(6)  
**To:** CRCL Compliance  
**Cc:** (b)(6)  
**Subject:** FW: Response to UAC Complaint Submission  
**Date:** Tuesday, July 01, 2014 1:07:53 PM  
**Attachments:** [Response re UAC complaint submission Pinheiro 6.30.14.pdf](#)  
**Importance:** High

---

(b)(6)  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

Tel (202) 357- (b)(6)

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**From:** CRCL Officer  
**Sent:** Monday, June 30, 2014 4:48 PM  
**To:** [epinheiro@ccharities.org](mailto:epinheiro@ccharities.org)  
**Cc:** [jlyall@acluaz.org](mailto:jlyall@acluaz.org); [janderson@aijustice.org](mailto:janderson@aijustice.org); [ldasse@firrp.org](mailto:ldasse@firrp.org); [ahuebner@heartlandalliance.org](mailto:ahuebner@heartlandalliance.org)  
**Subject:** Response to UAC Complaint Submission  
**Importance:** High

Good afternoon,

Please find the attached response regarding the unaccompanied children (UAC) complaint submission.

If there are any questions please contact us.

Regards,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
202-357- (b)(6)





**Homeland  
Security**

June 30, 2014

Erika Pinheiro  
Esperanza Immigrant Rights Project  
[epinheiro@ccharities.org](mailto:epinheiro@ccharities.org)

Dear Ms. Pinheiro:

Thank you for contacting the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding the treatment of unaccompanied children (UAC) in DHS custody. It is, without question, an urgent humanitarian situation that requires all of our collective efforts to solve. We are in the process of analyzing and categorizing the information sent in your joint complaint filing. We are grouping the complaints by Border Patrol Sector and triaging the most serious allegations to make any investigation that we initiate more effective. However, prior to CRCL opening any complaints, CRCL must refer the matters to the Office of the Inspector General (OIG), as that office has the option to retain any complaint allegations CRCL receives and conduct its own investigation. Please note that some of the information provided will not become a formal complaint because it lacks sufficient information for us to investigate, the issue is covered in other complaints, or because the concern was recently investigated by CRCL and CRCL is working with CBP for final resolution. However, the allegations we do not investigate will be entered into our database and tracked as part of CRCL's Compliance Information Layer.

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Please be aware that DHS has undertaken a number of efforts to address the influx of families and unaccompanied children on the southern border. To create the needed additional capacity to process the unaccompanied children in Texas, children are brought to CBP processing centers at Nogales, Arizona and El Paso, Texas before they are sent to HHS. Meanwhile, the Department of Defense (DoD) has provided space at Lackland Air Force Base in Texas for HHS to house the children before HHS can place them. DoD is also providing facilities at Fort Sill, Oklahoma and Venture, California for the same purpose. The Federal Emergency Management Agency (FEMA), other parts of DHS, and the Department of Health and Human Services (HHS) are working to continue to identify additional facilities to house and process the influx of children. ...

DHS is also working in tandem with HHS to expedite processing and placement for these children. We are developing ways to expedite background checks for sponsors of children, integrate CBP and HHS information sharing systems, and increase capacity to transport and place children. Additionally, DHS and HHS are increasing Spanish-speaking case management staff, increasing staff handling incoming calls from parents or guardians, and surging staff to manage the intake of CBP referrals to track shelter bed capacity and facilitate shelter designations. ...

Throughout the Rio Grande Valley Sector, we are conducting public health screening for all those who come into our facilities for any symptoms of contagious diseases or other possible public health concerns. Working through FEMA's National Response Coordination Center, we are coordinating with voluntary and faith-based organizations to help us manage the influx of unaccompanied children crossing the border. The American Red Cross is providing blankets and other supplies and, through its Restoring Family Links program, is coordinating calls between children in the care of DHS and families anxious about their well-being.

To stem the tide of undocumented children and families seeking to enter the United States, we have also been in contact with senior government officials of Guatemala, El Salvador, Honduras, and Mexico to address our shared border security interests, the underlying conditions in Central America that are promoting the mass exodus, and how we can work together to assure faster, secure removal and repatriation. ...

DHS, together with DOJ, has added personnel and resources to the investigation, prosecution, and dismantling of the smuggling organizations that are facilitating border crossings into the Rio Grande Valley. ICE will continue to vigorously pursue and dismantle these alien smuggling organizations by all investigative means to include the financial structure of these criminal organizations. These organizations not only facilitate illegal migration across our border, they traumatize and exploit the children who are objects of their smuggling operation. ...

We are re-initiating and intensifying our public affairs campaigns in Spanish, with radio, print, and TV spots, to communicate the dangers of sending unaccompanied children on the long journey from Central America to the United States, and the dangers of putting children into the hands of criminal smuggling organizations. ....

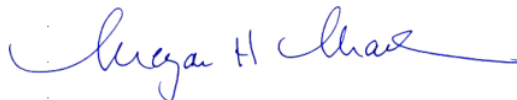
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facility for adults with children on the Federal Law Enforcement Training Center's campus at Artesia, New Mexico. The establishment of this temporary facility will help CBP process those encountered at the border and allow ICE to increase its capacity to house and expedite the removal of adults with children in a manner that complies with federal law. Artesia is one of several facilities that DHS will rely on to increase our capacity to hold and expedite the removal of the increasing number of adults with children illegally crossing the southwest border.

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Thank you for your interest in this matter of critical importance to CRCL. Please direct any further inquiries regarding your complaint submission to Dana Salvano-Dunn, Director, Compliance Branch, who can be reached at [dana.salvano-dunn@hq.dhs.gov](mailto:dana.salvano-dunn@hq.dhs.gov) and at 202-357-7773.

Sincerely,

A handwritten signature in blue ink, appearing to read "Megan H. Mack", with a long horizontal flourish extending to the right.

Megan H. Mack  
Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

Copies to:

Joe Anderson  
Americans for Immigrant Justice  
[janderson@aijustice.org](mailto:janderson@aijustice.org)

James Lyall  
ACLU Border Litigation Project  
[jlyall@acluaz.org](mailto:jlyall@acluaz.org)

Ashley Huebner  
National Immigrant Justice Center  
[ahuebner@heartlandalliance.org](mailto:ahuebner@heartlandalliance.org)



Lauren Dasse  
Florence Immigrant Rights & Refugee Project  
[ldasse@firrp.org](mailto:ldasse@firrp.org)

**From:** (b)(6)  
**To:** [CRCL Compliance](#)  
**Cc:** (b)(6)  
**Subject:** FW: Response to UAC Complaint Submission  
**Date:** Tuesday, July 01, 2014 1:08:40 PM  
**Attachments:** [Response to NIIC re UAC complaint submission Huebner 6.30.14.pdf](#)  
**Importance:** High

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(b)(6)  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

Tel (202) 357- (b)(6)

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---

**From:** CRCL Officer  
**Sent:** Monday, June 30, 2014 4:39 PM  
**To:** [ahuebner@heartlandalliance.org](mailto:ahuebner@heartlandalliance.org)  
**Cc:** [janderson@aijustice.org](mailto:janderson@aijustice.org); [jlyall@acluaz.org](mailto:jlyall@acluaz.org); [epinheiro@ccharities.org](mailto:epinheiro@ccharities.org); [ldasse@firrp.org](mailto:ldasse@firrp.org)  
**Subject:** Response to UAC Complaint Submission  
**Importance:** High

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Please find the attached response regarding the unaccompanied children (UAC) complaint submission.

If there are any questions please contact us.

Regards,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
202-357- (b)(6)





**Homeland  
Security**

June 30, 2014

Ashley Huebner  
National Immigrant Justice Center | Heartland Alliance  
208 S. La Salle Street, Suite 1300  
Chicago, IL 60604  
[ahuebner@heartlandalliance.org](mailto:ahuebner@heartlandalliance.org)

Dear Ms. Huebner:

Thank you for contacting the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding the treatment of unaccompanied children (UAC) in DHS custody. It is, without question, an urgent humanitarian situation that requires all of our collective efforts to solve. We are in the process of analyzing and categorizing the information sent in your joint complaint filing. We are grouping the complaints by Border Patrol Sector and triaging the most serious allegations to make any investigation that we initiate more effective. However, prior to CRCL opening any complaints, CRCL must refer the matters to the Office of the Inspector General (OIG), as that office has the option to retain any complaint allegations CRCL receives and conduct its own investigation. Please note that some of the information provided will not become a formal complaint because it lacks sufficient information for us to investigate, the issue is covered in other complaints, or because the concern was recently investigated by CRCL and CRCL is working with CBP for final resolution. However, the allegations we do not investigate will be entered into our database and tracked as part of CRCL's Compliance Information Layer.

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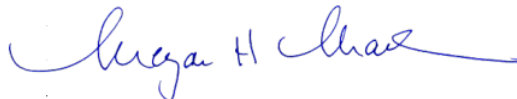


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Thank you for your interest in this matter of critical importance to CRCL. Please direct any further inquiries regarding your complaint submission to (b)(6) Director, Compliance Branch, who can be reached at (b)(6) @hq.dhs.gov and at 202-357-(b)(6)

Sincerely,



Megan H. Mack  
Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

Copies to:

Joe Anderson  
Americans for Immigrant Justice  
[janderson@aijustice.org](mailto:janderson@aijustice.org)

James Lyall  
ACLU Border Litigation Project  
[jlyall@acluaz.org](mailto:jlyall@acluaz.org)

Erika Pinheiro  
Esperanza Immigrant Rights Project  
[epinheiro@ccharities.org](mailto:epinheiro@ccharities.org)

Lauren Dasse  
Florence Immigrant Rights & Refugee Project  
[ldasse@firrp.org](mailto:ldasse@firrp.org)

**From:** (b)(6)  
**To:** CRCL Compliance  
**Cc:** (b)(6)  
**Subject:** FW: Response to UAC Complaint Submission  
**Date:** Tuesday, July 01, 2014 1:08:06 PM  
**Attachments:** [Response re UAC complaint submission Lyall 6.30.14.pdf](#)  
**Importance:** High

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(b)(6)

Director Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

Tel (202) 357- (b)(6)

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---

**From:** CRCL Officer  
**Sent:** Monday, June 30, 2014 4:46 PM  
**To:** jlyall@acluaz.org  
**Cc:** epinheiro@ccharities.org; janderson@aijustice.org; ldasar@firrp.org; ahuebner@heartlandalliance.org  
**Subject:** Response to UAC Complaint Submission  
**Importance:** High

Good afternoon,

Please find the attached response regarding the unaccompanied children (UAC) complaint submission.

If there are any questions please contact us.

Regards,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

202-357- (b)(6)





**Homeland  
Security**

June 30, 2014

James Lyall  
ACLU Border Litigation Project  
[jlyall@acluaz.org](mailto:jlyall@acluaz.org)

Dear Mr. Lyall:

Thank you for contacting the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding the treatment of unaccompanied children (UAC) in DHS custody. It is, without question, an urgent humanitarian situation that requires all of our collective efforts to solve. We are in the process of analyzing and categorizing the information sent in your joint complaint filing. We are grouping the complaints by Border Patrol Sector and triaging the most serious allegations to make any investigation that we initiate more effective. However, prior to CRCL opening any complaints, CRCL must refer the matters to the Office of the Inspector General (OIG), as that office has the option to retain any complaint allegations CRCL receives and conduct its own investigation. Please note that some of the information provided will not become a formal complaint because it lacks sufficient information for us to investigate, the issue is covered in other complaints, or because the concern was recently investigated by CRCL and CRCL is working with CBP for final resolution. However, the allegations we do not investigate will be entered into our database and tracked as part of CRCL's Compliance Information Layer.

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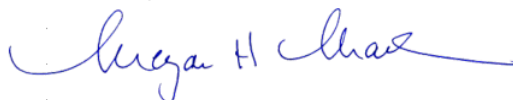


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Thank you for your interest in this matter of critical importance to CRCL. Please direct any further inquiries regarding your complaint submission to (b)(6) Director, Compliance Branch, who can be reached at (b)(6) @hq.dhs.gov and at 202-357-(b)(6)

Sincerely,



Megan H. Mack  
Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

Copies to:

Joe Anderson  
Americans for Immigrant Justice  
[janderson@aijustice.org](mailto:janderson@aijustice.org)

Ashley Huebner  
National Immigrant Justice Center  
[ahuebner@heartlandalliance.org](mailto:ahuebner@heartlandalliance.org)

Erika Pinheiro  
Esperanza Immigrant Rights Project  
[epinheiro@ccharities.org](mailto:epinheiro@ccharities.org)

Lauren Dasse  
Florence Immigrant Rights & Refugee Project  
[ldasse@firrp.org](mailto:ldasse@firrp.org)

**From:** (b)(6)  
**To:** CRCL Compliance  
**Cc:** (b)(6)  
**Subject:** FW: Response to UAC Complaint Submission  
**Date:** Tuesday, July 01, 2014 1:08:21 PM  
**Attachments:** [Response re UAC complaint submission Anderson 6.30.14.pdf](#)  
**Importance:** High

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(b)(6)

Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

Tel (202) 357-(b)(6)

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---

**From:** CRCL Officer  
**Sent:** Monday, June 30, 2014 4:43 PM  
**To:** janderson@aijustice.org  
**Cc:** jlyall@acluaz.org; epinheiro@ccharities.org; ldasse@firrp.org; ahuebner@heartlandalliance.org  
**Subject:** Response to UAC Complaint Submission  
**Importance:** High

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If there are any questions please contact us.

Regards,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
202-357-(b)(6)





**Homeland  
Security**

June 30, 2014

Joe Anderson  
Americans for Immigrant Justice  
[janderson@aijustice.org](mailto:janderson@aijustice.org)

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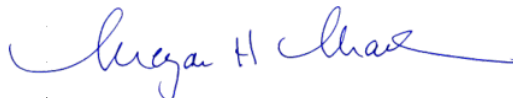


facility for adults with children on the Federal Law Enforcement Training Center's campus at Artesia, New Mexico. The establishment of this temporary facility will help CBP process those encountered at the border and allow ICE to increase its capacity to house and expedite the removal of adults with children in a manner that complies with federal law. Artesia is one of several facilities that DHS will rely on to increase our capacity to hold and expedite the removal of the increasing number of adults with children illegally crossing the southwest border.

Meanwhile, we will also expand use of the Alternatives to Detention program to utilize all mechanisms for enforcement and removal in the Rio Grande Valley Sector. DOJ and DHS are taking additional steps to enhance enforcement and removal proceedings in the Rio Grande Valley. DOJ is adding judges in the Rio Grande Valley to handle more immigration court hearings, in cases where hearings are necessary, while also ensuring that those with asylum protection claims are appropriately reviewed. Overall, this increased capacity and resources will allow ICE to return unlawful migrants from Central America to their home countries more quickly.

Thank you for your interest in this matter of critical importance to CRCL. Please direct any further inquiries regarding your complaint submission to (b)(6) Director, Compliance Branch, who can be reached at (b)(6) @hq.dhs.gov and at 202-357-(b)(6)

Sincerely,



Megan H. Mack  
Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

Copies to:

Ashley Huebner  
National Immigrant Justice Center  
[ahuebner@heartlandalliance.org](mailto:ahuebner@heartlandalliance.org)

James Lyall  
ACLU Border Litigation Project  
[jlyall@acluaz.org](mailto:jlyall@acluaz.org)

Erika Pinheiro  
Esperanza Immigrant Rights Project  
[epinheiro@ccharities.org](mailto:epinheiro@ccharities.org)

Lauren Dasse  
Florence Immigrant Rights & Refugee Project  
[ldasse@firrp.org](mailto:ldasse@firrp.org)

**From:** (b)(6)  
**To:**  
**Cc:**  
**Subject:** FW: (b)(6)  
**Date:** Saturday, June 28, 2014 6:35:59 AM

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Sent from my iPhone using [Mail+ for Outlook](#)

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**From:** (b)(6)  
**Sent:** 6/27/14 9:56 PM  
**To:** (b)(6)  
**Subject:** RE: (b)(6)

---

**From:** (b)(6)  
**Sent:** Friday, June 27, 2014 2:59 PM  
**To:** (b)(6)  
**Subject:** FW: (b)(6)

Please forward.

(b)(6)  
Federal Field Specialist-Northeast Region  
U.S. Department of Health and Human Services  
Administration for Children and Families  
Office of Refugee Resettlement/Division of Children's Services  
Mobile: 202 (b)(6)  
(b)(6) [@acf.hhs.gov](mailto:(b)(6)@acf.hhs.gov)

---

**From:** (b)(6) [@lssny.org](mailto:(b)(6)@lssny.org)  
**Sent:** Friday, June 27, 2014 12:09 PM  
**To:** (b)(6)  
(b)(6) ICE SIRHOTLINE (ACE)  
**Subject:** SIR: (b)(6)

Facility: Lutheran Social Services of New York  
UAC: (b)(6)

Summary: Minor reported experiencing physical abuse while he was under ICE custody. According to minor, an officer told him that he will put him in "la Hielera" (the ice box) as a punishment. Minor reported that the ICE officer took him to a confined room, where the walls were metal and had a freezing temperature. Minor reported that officer removed his shirt and socks and left him only with boxers. According to minor, he laid down in the freezing room for 24 hrs. Minor reported that the next day another officer took him out and put him in the sun outside to warm up and handed him a burger. Minor stated that he asked the officer why he was being given a burger and that the ICE official stated that it was because he had demonstrated endurance. Minor stated that when he came out of the room, he could hardly walk, was freezing and felt he had lost blood circulation because his skin had turned pale.

Minor stated that he did not know the name of the official as he was instructed to not look at the officer and put his head down when spoken to, making it difficult to read his name tags.

Reported by:

(b)(6)

Attached you will find the SIR for the above mentioned minor.

**From:** (b)(6)  
**To:**  
**Cc:**  
**Subject:** For OGC Review: Short Form Complaint Number 14-09-CBP-0318  
**Date:** Monday, August 18, 2014 11:34:00 AM  
**Attachments:** [Short Form Complaint 14-09-CBP-0318 Notification Email draft.docx](#)  
[06.28.2014 \(b\)\(6\) HHS ORR.pdf](#)

---

Hello (b)(6)

I have attached for OGC review the draft short form notification email for Complaint Number 14-09-CBP-0318. I have also attached the initial incoming complaint for reference.

Thank you

(b)(6)

Office for Civil Rights & Civil Liberties  
Department of Homeland Security  
(202) 357- (b)(6) (phone)  
(202) 253- (b)(6) (bb)  
(b)(6) @hq.dhs.gov



**Homeland  
Security**

**WARNING:** This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.



From: (b) (6)  
To: JOINT INTAKE  
Cc: (b) (6)  
Subject: CRCL Short Form Complaint Notification (14-09-CBP-0318)  
Date: Monday, August 25, 2014 4:56:00 PM

---

Dear Colleagues,

The DHS Office for Civil Rights and Civil Liberties is initially handling the below matter as a Short Form Complaint.

**CRCL Short Form Complaint: 14-09-CBP-0318**

(b) (6)  
On June 28, 2014, CRCL received a Significant Incident Report from U.S. Department of Health and Human Services Office of Refugee and Resettlement (HHS ORR) regarding unaccompanied alien child (UAC) (b) (6) age 13. The UAC claims that a Border Patrol agent punished him by putting him in a freezing cold room with metal walls for 24 hours and left him only in his boxers. The UAC states that when he was let out he was freezing, could hardly walk, and his skin was pale. He reports that the BP agent then gave him a burger and told him he had "endurance." According to EARM records, the UAC was apprehended in the Rio Grande Valley Sector, Texas and taken to Weslaco Border Patrol Station for processing on June 5, 2014. EARM records also indicate the UAC was transferred to HHS ORR custody on June 13, 2014.

Note: This is the second complaint that CRCL received involving this type of alleged treatment of minors at the Weslaco Station. The other complaint number is 14-02-CBP-0173, which CRCL retained as a part of the Rio Grande Valley UAC retention documents.

Please review the circumstances of this incident as it pertains to the allegations and provide CRCL with the following information:

- (b)(5)
1. Copy of the UAC's alien file, including the I-213 and e3 detention logs.
  2. While the UAC was in Border Patrol custody, was he disciplined for any reason? If so, how and what were the circumstances?
    - Was the UAC ever instructed to undress or remove a piece of clothing for any reason? If so, what were the circumstances?
    - While in Border Patrol custody, was the UAC placed in a room by himself for several hours? If so, what were the circumstances?
    - If he was placed in a room by himself, what was the approximate temperature of the room?
  3. Statements from the Border Patrol agents on duty while the UAC was in Border Patrol custody, in response to the allegations.
  4. Relevant Sector procedures or guidelines regarding disciplinary measures, specific to the custody of minors.
  5. Any reports related to the discipline of the UAC or other reports related to this complaint.
  6. When were HHS ORR and the FOJC contacted requesting bed space for the UAC?

- (b)(5)
7. When was the USBP notified that bed space was available for the UAC?
  8. Any existing records of requests or complaints made by the UAC and any responses to those requests or complaints while in USBP custody.

Please provide your response to me at (b) (6) @hq.dhs.gov. Thank you for your assistance with this request.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials for abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may generate are outlined in DHS Management Directive 3500. More particularly, 42 U.S.C. § 2000ee-1(d) grants this Office access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to “[i]nterview[] persons and obtain[] other information deemed by CRCL to be relevant and require[] cooperation by all agency employees” and to “[a]ccess[] documents and files that may have information deemed by CRCL to be relevant.” All communications and information submitted to CRCL are protected to the maximum extent possible by the attorney-client and deliberative process privileges. However, CRCL is required, under 6 U.S.C. § 345(b), to submit an annual report to Congress—also posted on CRCL’s Web site—that is required to detail “any allegations of [civil rights] abuses . . . and any actions taken by the Department in response to such allegations.” Finally, 42 U.S.C. § 2000ee-1(e) prohibits reprisals or threats of reprisal by a federal employee for making complaints to CRCL or for disclosing information to CRCL in the course of its investigations. The request for information above is done in accordance with these authorities.

(b) (6)

Office for Civil Rights & Civil Liberties  
Department of Homeland Security  
(202) 357-(b) (6) phone)  
(202) 253-(b) (6) bb)  
(b) (6) @hq.dhs.gov



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**From:** (b)(6),(b)(7)(C)  
**To:** (b)(6)  
**Subject:** RE: CRCL Complaint Notification 14-09-CBP-0318  
**Date:** Wednesday, October 15, 2014 3:00:34 PM

---

Thank you.

(b)(6),(b)(7)(C)

Special Agent  
U.S. Customs and Border Protection  
Office of Internal Affairs  
602 Sawyer St. Suite 500  
Houston, TX 77007  
Ofc.: 713 (b)(6),(b)(7)(C)  
Cell: 832 (b)(6),(b)(7)(C)  
Fax: 713 (b)(6),(b)(7)(C)

---

**From:** (b)(6)  
**Sent:** Wednesday, October 15, 2014 12:54 PM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** RE: CRCL Complaint Notification 14-09-CBP-0318

Hello Special Agent (b)(6),(b)(7)(C)

Based on the information that you provided below and a reassessment of the UAC's allegations, CRCL will close this matter due to the UAC's unwillingness to be interviewed and requested to withdraw his complaint.

Thank you

(b)(6)  
Policy Analyst  
Compliance Branch  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security  
(202) 357- (b)(6) phone)  
(202) 253- (b)(6) bb)  
(b)(6) @hq.dhs.gov



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**From:** (b)(6),(b)(7)(C)  
**To:** (b)(6) (b)(6),(b)(7)(C)  
**Cc:** (b)(6),(b)(7)(C)  
**Subject:** RE: CRCL Short Form Complaint Notification (14-09-CBP-0318)  
**Date:** Thursday, October 16, 2014 9:13:49 AM

---

(b)(6)

Thanks for letting us know.

(b)(6),(b)(7)(C)

---

**From:** (b)(6)  
**Sent:** Wednesday, October 15, 2014 1:54 PM  
**To:** (b)(6),(b)(7)(C)  
**Cc:** (b)(6),(b)(7)(C)  
**Subject:** RE: CRCL Short Form Complaint Notification (14-09-CBP-0318)

Hello (b)(6),(b)(7)(C)

CRCL is closing Complaint Number 14-09-CBP-0318, based on new information that the UAC is unwilling to be interviewed and requested to withdraw his complaint.

Thank you

(b)(6)

Office for Civil Rights & Civil Liberties  
Department of Homeland Security  
(202) 357- (b)(6) (phone)  
(202) 253- (b)(6) (bb)  
(b)(6) @hq.dhs.gov



**Homeland  
Security**

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Duplicate

**From:** CRCL Compliance  
**To:** (b)(6) @americanbar.org"  
**Subject:** DHS CRCL Contact-DHS-13-0408  
**Date:** Wednesday, April 23, 2014 3:15:00 PM  
**Attachments:** [Contact-DHS-13-0408 \(04.23.2014\).pdf](#)

---

Dear Ms. (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



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Homeland  
Security

April 23, 2014

*Via Electronic Mail*

(b)(6)

ProBAR South Texas Pro Bono Asylum Representation Project

(b)(6)

@americanbar.org

Re: Contact No. Contact-DHS-13-0408

(b)(6)

Dear Ms.

(b)(6)

The U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received information from you on June 11, 2013 on behalf of (b)(6). Thank you for bringing your concerns to our attention.

After carefully reviewing the information you provided, CRCL has recorded the issues you have raised in our database so that we can track those issues in order to identify patterns of violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion by employees and officials of the Department of Homeland Security. CRCL will take no further action on your information at this time. For more information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

Please be advised that CRCL does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on (b)(6) behalf. Instead, we use information in correspondence like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties.

Sincerely,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

**RECEIVED**

**JUN 11 2013**

**U.S. Department of Homeland Security  
Office for Civil Rights and Civil Liberties**

April 30, 2013

Department of Homeland Security  
Attn: Office of Inspector General  
245 Murray Drive, SW, Building 410  
Washington, DC 20528

RE: Rio Grande City Border Patrol

Dear Sir or Madam:

Our office requests that the Office of Inspector General investigate the behavior of Border Patrol officers in Rio Grande City, Texas, where we have received a report of abuse of an unaccompanied minor. We are attaching the affidavit signed by the minor.

- (b)(6) currently detained at the International Education Services (IES) Shelter in Los Fresnos, Texas. For your reference the event number is RGC1304000254.

The minor reports that she was mistreated by Border Patrol officials in or near Rio Grande City, Texas. She states that on or about April 14, 2013, a Border Patrol Agent at the processing station acting in an abusive and offensive manner while in the Border Patrol Station in Rio Grande City, Texas.

The minor reports that a Border Patrol Official was going through the personal belongings of a group held at the processing station, which the minor refers to as the "hielera." The minor explains that the Official informed everyone that he would decide whether the items were important. Where the Official found the belongings were not of importance, the minor reported that he would order the immigrants to throw them in the garbage.

The minor states that one of her personal belongings was her bible. She notes that everyone in the room knew that this item was a bible. The minor reports that the Border Patrol Official picketed up the bible and threw it toward the trash but the bible fell on the ground at her feet. Afterwards, the minor reported that she picked up the bible but the Official ripped it from her hands and threw it in the garbage. The minor states that she wanted to say something to Official but reports that she was afraid to speak.

The minor's declaration provides more detailed information on the abuse outlined above.

Unaccompanied minors who are in custody deserve the fair and humane treatment that is outlined in the Flores settlement. I trust that your agency will be able to use this information to identify any individuals involved in the abuses and to advocate for Border Patrol's compliance with the standards for treatment of minors in custody.

We are looking forward to hearing from you concerning this complaint. If you have any questions, please contact me at (956) (b)(6). Thank you for your prompt attention to this matter.

Respectfully,

(b)(6)

BIA Accredited Representative

cc: Department of Homeland Security  
Office of Civil Rights and Civil Liberties  
245 Murray Drive, SW, Building 410  
Washington, DC 20528

Department of Homeland Security  
Joint Intake Center, ICF/CBP  
P.O. Box 14475  
1200 Pennsylvania Avenue, NW  
Washington, DC 20044  
*Via facsimile to (202) 344-3390*

Department of Homeland Security  
Office of Internal Audit  
425 "T" Street, NW  
Washington, DC 20530

Commission on Immigration  
American Bar Association  
740 15<sup>th</sup> Street, NW, 9<sup>th</sup> floor  
Washington, DC 20005-1022  
*Via electronic mail*

Customs and Border Patrol  
Rio Grande City Station  
730 Border Patrol Lane  
Rio Grande City, TX 78582

(b)(6)

Los Fresnos, TX 78566

My full and complete name is:

(b)(6)

My assigned Alien number is:

(b)(6)

I was detained by Border Patrol Agents at or near: RIO GRANDE CITY, TX

I was detained by Border Patrol Agents on or about: April 14, 2013

My age at the time I was detained: 16 FINS #:

(b)(6)

Event #: RGC1304000254

Border Patrol Agent:

Supervisor:

(b)(6), (b)(7)(C)

Location of Border Patrol Agent: At A processing station ("hielera")

I, (b)(6) are and affirm that the following took place:

After I crossed the border immigration caught me and they took me to a "hielera" (processing station). I was there from around 10pm until about 8am the next day. Then immigration took me to another "hielera." An official told us that he was going to throw away all of our belongings except: gold, silver, valuable things or things that were important to us. This official let me keep some letters and a photo I had with me because it was something important to me.

While he was doing this he would ask a group of us if each item was of importance to anyone. He had emptied out a large bag of all of our belongings onto a concrete bench. He was the one who would decide if it was important or not. He made us throw away things that are important. When he picked up my bible, which was in a transparent bag, he threw it to the garbage. He missed the garbage and it fell on the ground at my feet. I picked it up and he ripped it from my hands and threw it in the garbage.



I WAS AFRAID TO SAY ANYTHING TO HIM BECAUSE I  
THOUGHT HE COULD HAVE DONE SOMETHING TO ME.

EVERYONE THERE KNEW THAT ~~THE~~ WHAT HE THROWN  
IN THE GARBAGE WAS A BIRD.

I declare and affirm under penalty of perjury that the content of this declaration is true and correct to the best of my knowledge. I authorize any agency or entity receiving this complaint or a copy of this complaint to release any and all information about this complaint or its investigation to South Texas Pro Bono Asylum Representation Project (ProBAR).

(b)(6)

Signature

4/25

Date

I, (b)(6) declare under penalty of perjury that I am competent in both English and Spanish, and have translated to the best of my abilities the foregoing affidavit from Spanish to English.

(b)(6)

Signature

4/25/2013

Date

**From:** [CRCL Compliance](#)  
**To:** [\(b\)\(6\)@americanbar.org](#)  
**Subject:** Follow-up DHS CRCL Contact-DHS-13-0498  
**Date:** Friday, January 30, 2015 3:22:00 PM  
**Attachments:** [Contact-DHS-13-0498 \(07.18.2013\).pdf](#)

---

Dear Ms. [\(b\)\(6\)](#)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



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Homeland  
Security

January 30, 2015

*Via Electronic Mail*

(b)(6)

ProBAR South Texas Pro Bono Asylum Representation Project

119 W. Van Buren, (b)(6)

Harlingen, TX 78550

(b)(6) @americanbar.org

Re: Contact No. Contact-DHS-13-0498 (b)(6)

Dear Ms. (b)(6)

The U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received prosperous information from you on July 18, 2013 on behalf of (b)(6)

(b)(6) Thank you for bringing your concerns to our attention.

After carefully reviewing the information you provided, CRCL has recorded the issues you have raised in our database so that we can track those issues in order to identify patterns of violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion by employees and officials of the Department of Homeland Security. CRCL will take no further action on your information at this time. For more information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

Please be advised that CRCL does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on (b)(6) behalf. Instead, we use information in correspondence like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties.

Sincerely,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

**From:** (b)(6)@americanbar.org]

**Sent:** Thursday, July 18, 2013 7:21 AM

**To:** CRCLCompliance

**Subject:** CBP Complaint against Officers in the McAllen, Falfurrias, Kingsville and Weslaco Sectors

Good Morning,

Please find attached six complaints against CBP Officers in the McAllen, Falfurrias, Kingsville and Weslaco Sectors. Five of the complainants are from unaccompanied minors and one complainant recently turned 18.

I appreciate your time and consideration of the above complaint and hope to hear from you soon.

Best

(b)(6)

Children's Staff Attorney

South Texas Pro Bono Asylum Representation Project (ProBAR)

(a project of the American Bar Association Commission on Immigration)

119 W. Van Buren, Ste (b)(6)

Harlingen, TX 78550

tele: (956) (b)(6)

fax: (956) (b)(6)

# ProBAR

South Texas Pro Bono Asylum Representation Project  
Immigrant Children's Assistance Project

San Pedro Plaza  
119 W. Van Buren Ave., Ste. 204  
Harlingen, Texas 78550  
(956) 365-3775 tel  
(956) 365-3789 fax

probar@sbcglobal.net  
www.americanbar.org/probar

Meredith Linsky  
Director

A project of the American Bar Association, State Bar of Texas, and  
American Immigration Lawyers Association.

July 15, 2013

Department of Homeland Security  
Attn: Office of Inspector General  
245 Murray Drive, SW, Building 410  
Washington, DC 20528

RE: McAllen Border Patrol

Dear Sir or Madam:

Our office requests that the Office of Inspector General investigate the behavior of Border Patrol Officers in Hidalgo, Texas, where we have received a report of physical abuse of an unaccompanied minor. We are attaching the affidavit signed by the minor.

- (b)(6) previously detained at the South West Key, Casa Rio Grande facility in San Benito, Texas. For your reference the event number is MCS1306000549.

(b)(6) reports being mistreated by Border Patrol Officers in or near Hidalgo, Texas. He states that on or about July 23, 2013, Border Patrol Officers apprehended him. (b)(6) states that an officer instructed him to remove his shoelaces. (b)(6) notes that he bent down and the officer poured water on his back.

The minor's declaration provides more detailed information on the abuse outlined above.

Unaccompanied minors who are in custody deserve the fair and humane treatment that is outlined in the Flores settlement. I trust that your agency will be able to use this information to identify any individuals involved in the abuses and to advocate for Border Patrol's compliance with the standards for treatment of minors in custody.

We are looking forward to hearing from you concerning this complaint. Please note that the minor's signature on page two of his complaint authorizes your agency to release information about any investigation of this complaint to ProBAR, and we request that you do so. If you



have any questions, please contact me at (956) (b)(6) Thank you for your prompt attention to this matter.

Respectfully,

(b)(6)

Attorney at Law

cc: DHS Office of the Inspector General  
245 Murray Drive, SW, Building 410/Mail Stop 2600  
Washington, DC 20528  
*Via facsimile to (202) 254-4297*

Department of Homeland Security  
Office of Civil Rights and Civil Liberties  
245 Murray Drive, SW, Building 410  
Washington, DC 20528  
*Via electronic mail to CRCLCompliance@hq.dhs.gov*

Department of Homeland Security  
Joint Intake Center, ICF/CBP  
P.O. Box 14475  
1200 Pennsylvania Avenue, NW  
Washington, DC 20044  
*Via facsimile to (202) 344-3390*

Department of Homeland Security  
Office of Internal Audit  
425 "T" Street, NW  
Washington, DC 20530

Commission on Immigration  
American Bar Association  
740 15<sup>th</sup> Street, NW, 9<sup>th</sup> floor  
Washington, DC 20005-1022  
*Via electronic mail*

Customs and Border Patrol  
McAllen Station  
3000 West Military Highway  
McAllen, TX 78503

(b)(6)

Manassas, VA 20109

My full and complete name is:

(b)(6)

My assigned Alien number is:

I was detained by Border Patrol Agents at or near: Hidalgo, TX

I was detained by Border Patrol Agents on or about: 07/22/12

My age at the time I was detained: 15 FINS #:

(b)(6)

Event #: MC51306000549

Border Patrol Agent:

Supervisor:

(b)(6), (b)(7)(C)

Location of Border Patrol Agent: McAllen

I, (b)(6)

affirm that the following took place:

Border Patrol

After I was detained by BP an agent told me to untie my shoes and take the laces off. While I was untying my laces he was drinking water. As I bent down, he poured the water down my back. He then put me into a room they call "la helera" and I was freezing because I was wet. No one else treated me badly after that.

I declare and affirm under penalty of perjury that the content of this declaration is true and correct to the best of my knowledge. I authorize any agency or entity receiving this complaint or a copy of this complaint to release any and all information about this complaint or its investigation to South Texas Pro Bono Asylum Representation Project (ProBAR).

(b)(6)

Signature

7-3-13

Date

I, \_\_\_\_\_ hereby declare under penalty of perjury that I am competent in both English and Spanish, and have translated to the best of my abilities the foregoing affidavit from Spanish to English.

(b)(6)

Signature

7-3-13

Date

**From:** CRCLCompliance  
**To:** (b)(6)@americanbar.org  
**Subject:** Follow-up to DHS. CRCL. Contact-DHS-13-0573  
**Date:** Friday, March 28, 2014 4:14:00 PM  
**Attachments:** [Contact-DHS-13-0573 \(08.26.2013\).pdf](#)  
[image001.png](#)

---

Dear Ms. (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



*This message, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately by reply e-mail, and delete the message.*

*In addition, this message may be used FOR OFFICIAL USE ONLY (FOUO) and/or contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). Therefore, it is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with U.S. Department of Homeland Security (DHS) policy relating to FOUO information, and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. Thank you.*





**Homeland  
Security**

March 28, 2014

*Via Electronic Mail*

(b)(6)

ProBAR South Texas Pro Bono Asylum Representation Project

(b)(6)

@americanbar.org

Re: Contact No. Contact-DHS-13-0573

(b)(6)

Dear Ms.

(b)(6)

The U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received information from you on August 26, 2013 on behalf of (b)(6). Thank you for bringing your concerns to our attention.

After carefully reviewing the information you provided, CRCL has recorded it in a database so that we can track issues of the type you raised in order to identify patterns of violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion by employees and officials of the Department of Homeland Security.

CRCL has an open complaint investigation addressing issues similar to the ones you raised. As we complete that investigation, we will take into account the issues described in your complaint and may incorporate your information, as appropriate, when we prepare our report to U.S. Customs and Border Protection.

For any future correspondence you wish to send to CRCL about this matter, please include the Contact-DHS-13-0573 noted at the top of this letter. For more information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

Please be advised that CRCL does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use information in correspondence like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties.

Sincerely,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

**From:** (b)(6)  
**To:** [CRCLCompliance](#)  
**Subject:** CBP complaints  
**Date:** Monday, August 26, 2013 12:32:17 PM  
**Attachments:** [CBP complaint Falfurrias \(b\)\(6\) 23.13.pdf](#)  
[CBP complaint Weslaco \(b\)\(6\) 3.pdf](#)  
[CBP complaint Brownsvi \(b\)\(6\) 8.23.13.pdf](#)

---

Good Morning,

I have attached three recent complaints by unaccompanied minors against CBP.

Thank you for your time.

Best,

(b)(6)

Children's Staff Attorney  
South Texas Pro Bono Asylum Representation Project (ProBAR)  
(a project of the American Bar Association Commission on Immigration)  
119 W. Van Buren, Ste. (b)(6)  
Harlingen, TX 78550  
tele: (956) (b)(6)

August 23, 2013

Department of Homeland Security  
Attn: Office of Inspector General  
245 Murray Drive, SW, Building 410  
Washington, DC 20528

RE: Weslaco Border Patrol

Dear Sir or Madam:

Our office requests that the Office of Inspector General investigate the behavior of Border Patrol Officers in Weslaco, Texas, where we have received a **report of verbal abuse of an unaccompanied minor**. We are attaching the affidavit signed by the minor.

- (b)(6) age 15, (b)(6) currently detained at the International Education Services (IES) facility in Los Fresnos, Texas. For your reference the event number is WSL1307000422.

(b)(6) reports being mistreated by a Border Patrol Officer in or near Weslaco, Texas. (b)(6) states that he was very tired and sleepy when he arrived at the Border Patrol's processing center. (b)(6) notes that he fell asleep and was awakened by an Officer that continually screamed and humiliated him.

The minor's declaration provides more detailed information on the abuse outlined above.

Unaccompanied minors who are in custody deserve the fair and humane treatment that is outlined in the Flores settlement. I trust that your agency will be able to use this information to identify any individuals involved in the abuses and to advocate for Border Patrol's compliance with the standards for treatment of minors in custody.

We are looking forward to hearing from you concerning this complaint. Please note that the minor's signature on page two of his complaint authorizes your agency to release information about any investigation of this complaint to ProBAR, and we request that you do so. If you

have any questions, please contact me at (956) (b)(6) Thank you for your prompt attention to this matter.

Respectfully,

(b)(6)

Attorney at Law

cc: DHS Office of the Inspector General  
245 Murray Drive, SW, Building 410/Mail Stop 2600  
Washington, DC 20528  
*Via facsimile to (202) 254-4297*

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
245 Murray Drive, SW, Building 410  
Washington, DC 20528  
*Via electronic mail to CRCLCompliance@hq.dhs.gov*

Department of Homeland Security  
Joint Intake Center, ICE/CBP  
P.O. Box 14475  
1200 Pennsylvania Avenue, NW  
Washington, DC 20044  
*Via facsimile to (202) 344-3390*

Department of Homeland Security  
Office of Internal Audit  
425 "I" Street, NW  
Washington, DC 20530

Commission on Immigration  
American Bar Association  
1050 Connecticut Ave., NW, Suite 400  
Washington, DC 20036  
*Via electronic mail*

Customs and Border Protection  
Weslaco Station  
1501 E. Expressway 83  
Weslaco, Texas 78559

Eric Jeovany Reyes-Zavala  
c/o IES  
32120 FM 1847



Los Fresnos, Texas 78566  
*Via hand delivery*

My full and complete name is:

My assigned Alien number is:

I was detained by Border Patrol Agents at or near: Hidalgo, TX

I was detained by Border Patrol Agents on or about:

My age at the time I was detained: 15 FINS #:

Event #: WSL1307000422

Border Patrol Agent:

Supervisor:

Location of Border Patrol Agent: Weslaco, TX

I, (b)(6) declare and affirm that the following took place:

On the first "Hielera" Border Patrol took me, one Border Patrol Agent make me feel humiliated, it, I felt bad by the way he was talking to me and treating me. After 10 min, I was detained another guy got out. I got a blanket the guy that left had. I fell asleep because I was tired of walking. It was around 3 am and I was sleepy. I fell asleep. A Border Patrol Agent was calling my name. I couldn't hear him because I was asleep. Border Patrol Agent left, come back in 5 min. Border Patrol Agent started screaming at me. "Hurry up", fast! I was looking for my shoes, then we were walking to another cell, He was screaming at me at all time. I was so cold; I put my hands inside my pants pockets. He would scream "why are you putting your hands inside pockets?" what are you trying to do?" I just stayed quiet, but notice all the other agents were looking at us. The other agents looked at me w/pity I was very sleepy and embarrassed

of the way I was getting treated.  
I don't know the agent's name but  
he was

(b)(6),(b)(7)(C)

\*hielera = processing station

I declare and affirm under penalty of perjury that the content of this declaration is true and correct to the best of my knowledge. I authorize any agency or entity receiving this complaint or a copy of this complaint to release any and all information about this complaint or its investigation to South Texas Pro Bono Asylum Representation Project (ProBAR).

X (b)(6)

Signature

8/8/13

Date

I, (b)(6), hereby declare under penalty of perjury that I am competent in both English and Spanish, and have translated to the best of my abilities the foregoing affidavit from Spanish to English.

(b)(6)

Signature

8/8/13

Date

**From:** [CRCL Compliance](#)  
**To:** (b)(6)  
**Subject:** Follow-up DHS CRCL Contact-DHS-14-0595  
**Date:** Friday, November 21, 2014 11:13:00 AM  
**Attachments:** [Contact-DHS-14-0595 \(06.25.2014\).pdf](#)

---

Dear Mr. (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



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Homeland  
Security

November 21, 2014

*Via Electronic Mail*

(b)(6)

U.S. Department of Health and Human Services  
Office of Refugee Resettlement

(b)(6)@acf.hhs.gov

Re: Contact No. Contact-CBP-14-0595 (b)(6)

Dear Mr. (b)(6)

The U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received information from you on June 25, 2014 in regards to (b)(6) referred to CRCL by U.S. Department of Health and Human Services. Thank you for bringing your concerns to our attention.

After carefully reviewing the information you provided, CRCL has recorded the issues you have raised in our database so that we can track those issues in order to identify patterns of violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion by employees and officials of the Department of Homeland Security. CRCL will take no further action on your information at this time. For more information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

Please be advised that CRCL does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on (b)(6) behalf. Instead, we use information in correspondence like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties.

Sincerely,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



**From:** (b)(6)  
**To:** (b)(6)  
**Subject:** FW: SIR (b)(6)  
**Date:** Wednesday, June 25, 2014 1:39:33 PM  
**Attachments:** SIR (b)(6).pdf

---

(b)(6)

Federal Field Specialist Supervisor  
United States Department of Health and Human Services  
Administration of Children and Families  
Office of Refugee Resettlement  
Division of Children's Services

(O) 202- (b)(6)  
(C) 202- (b)(6)  
(F) 202- (b)(6)  
(b)(6)@acf.hhs.gov



Learn about the Health  
Insurance Marketplace &  
your new coverage options.

**GET ANSWERS NOW**



Infórmese acerca del  
mercado de seguros  
médicos y sus nuevas  
opciones de cobertura. ►

---

**From:** (b)(6)  
**Sent:** Tuesday, June 17, 2014 9:34 PM  
**To:** (b)(6)  
**Subject:** FW: SIR (b)(6)

(b)(6) this alleges abuse by Border Patrol (SIR states green uniforms).

Thanks,

(b)(6)

\*\*\*\*\*

(b)(6)

Federal Field Specialist  
U.S. Dept. of Health and Human Services  
Administration for Children and Families  
Office of Refugee Resettlement  
Division of Children's Services  
Phone: 202- (b)(6)

---

**From:** (b)(6)  
**Sent:** Tuesday, June 17, 2014 6:12 PM  
**To:** (b)(6)  
**Cc:** [transitionalcare@lirs.org](mailto:transitionalcare@lirs.org); (b)(6) ACF SIRHOTLINE (ACF); (b)(6)  
**Subject:** SIR (b)(6)

SIR Bethany Christian Services Shelter

(b)(6)

Youth reported witnessing abuse by border patrol agents against another minor detainee.

Reported by (b)(6)

-----NOTICE-----

This e-mail is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you have received this communication in error, please do not distribute it. Please notify the sender by e-mail at the address shown and delete the original message. Thank you.

Este e-mail es solamente para el uso del individuo o la entidad a la cual se dirige y puede contener informacion privilegiada, confidencial y exenta de acceso bajo la ley aplicable. Si usted ha recibido esta comunicacion por error, por favor no lo distribuya. Favor notificar al remitente del e-mail a la direccion mostrada y elimine el mensaje original. Gracias.

**From:** (b)(6)  
**To:** ["ahuebner@heartlandalliance.org"](mailto:ahuebner@heartlandalliance.org)  
**Cc:** [CRCLCompliance](mailto:CRCLCompliance@hq.dhs.gov)  
**Subject:** Follow-up DHS CRCL Contact-DHS-14-0709  
**Date:** Friday, August 08, 2014 12:54:00 PM  
**Attachments:** [Contact-DHS-14-0709 \(06.11.2014\).pdf](#)

---

Dear Ms. Huebner,

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
[CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov)



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**Homeland  
Security**

August 6, 2014

Ashley Huebner  
National Immigrant Justice Center | Heartland Alliance  
208 S. La Salle Street, Suite 1300  
Chicago, IL 60604  
[ahuebner@heartlandalliance.org](mailto:ahuebner@heartlandalliance.org)

Re: Contact-DHS-14-0709 (b)(6)

Dear Ms. Huebner:

The U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received information from you dated June 11, 2014. Thank you for bringing your concerns regarding the treatment of unaccompanied alien children (UAC) in DHS custody to our attention.

After carefully reviewing the information you provided, CRCL has recorded the issues you have raised in a database so that we can track those issues in order to identify patterns of alleged civil rights and civil liberties violations involving the treatment of UAC. Specifically, allegations concerning the excessive use of force, the provision of adequate medical treatment, and general conditions of detention.

Additionally, CRCL is addressing allegations raised in complaints that are similar to the ones you raised. We will take into account the issues you have raised, as we work with U.S. Customs and Border Protection to address these types of allegations.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

We appreciate you bringing this matter to our attention. Thank you again for contacting the Office for Civil Rights and Civil Liberties. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. If you have any further concerns, please contact this Office by phone at 866-644-8360, 866-644-8361 (TTY), or by email at [crclcompliance@hq.dhs.gov](mailto:crclcompliance@hq.dhs.gov).

Sincerely,

(b)(6)

Acting Deputy Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



**Department of Homeland Security (DHS)**  
**Office for Civil Rights and Civil Liberties**

**Civil Rights Complaint**

*Fillable Version (last modified 3/15/2011)*

*The purpose of this form is to assist you in filing a civil rights/civil liberties complaint with the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding DHS programs and activities. This form is not intended to be used for complaints about employment with DHS. You are not required to use this form to file a complaint; a letter with the same information is sufficient. However, if you file a complaint by letter, you should include the same information that is requested in the form.*

**CRCL Mission:**

The DHS Office for Civil Rights and Civil Liberties (CRCL) supports the Department as it secures the nation while preserving individual liberty, fairness, and equality under the law. We investigate claims of civil rights and civil liberties abuses, to help DHS improve protections and programs.

**Do you have a DHS civil rights or civil liberties complaint? If you believe that DHS personnel or a DHS program or activity has violated your rights, we want to hear from you. Fill out this form, or write us an email or letter.**

In connection with a DHS program, activity, or policy, have you experienced:

- Discrimination based on your race, ethnicity, national origin (including language proficiency), religion, gender, or disability? (Note: do not use this form to make a complaint about employment discrimination; see [www.dhs.gov/eeo](http://www.dhs.gov/eeo).)
- Denial of meaningful access to DHS or DHS-supported programs, activities, or services due to limited English proficiency?
- Violation of your rights while in immigration detention or as a subject of immigration enforcement?
- Discrimination or inappropriate questioning related to entry into the United States?
- Violation of your right to due process, such as your right to timely notice of charges or access to your lawyer?
- Violation of the Violence Against Women Act's confidentiality requirements?
- Physical abuse or any other type of abuse inflicted upon you?
- Any other civil rights or civil liberties violation related to a DHS program or activity?

**Notes on Confidentiality and Anonymity:**

- A) You may remain anonymous by not filling in your name, below. However, CRCL may not be able to investigate your complaint unless you provide enough information to conduct an investigation.
- B) Disclosure of the information you provide, including your identity, is on a "need-to-know" basis, and is discussed in the Privacy Statement at the end of this document. IF YOU CHECK THE BOX BELOW, WE WILL NOT DISCLOSE YOUR IDENTITY TO OTHER OFFICES, IN OR OUT OF DHS (unless it is necessary for investigation of criminal misconduct). Note, however, that this will in many situations make it very difficult or impossible, practically speaking, for us to investigate the allegations you raise.  
☐ I do NOT want CRCL to disclose my name to other offices, and understand this decision will often make it impossible for an investigation to take place.
- C) Reprisal against complainants to CRCL is unlawful; if you feel you have been a victim of reprisal, CALL US. 1-866-644-8360.





## Complaint Information

If you don't speak/write English, CRCL has access to interpreters and can talk to you in any language.

① **Information about the person who experienced the civil rights/civil liberties violation**

(fill in what you can)

Name: (b)(6) (b)(6) (b)(6)  
First and Middle Last

Phone #: Cell: see attorney info below Home: Work:

Please note that we may contact you at the provided numbers.

Mailing Address: c/o National Immigrant Justice Center, 208 S. LaSalle St, Ste 1300, Chicago, IL 60604  
PO Box or Street address City State Zip

Date of Birth: (b)(6) Email (optional): see attorney info below

Alien Registration #: (if you have one and it's available): (b)(6)

☐ Check here if you are in detention now.

Which facility? c/o ORR Custody, 4822 N Broadway, Chicago, IL 60640  
Facility name Facility address

☒ Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information (b)(6) see above

② **Are you filling in this complaint form on behalf of another individual?** If yes, please provide your information.

Name: (b)(6) Associate Director of Litigation  
First Last Job title

Organization (if any): National Immigrant Justice Center

Phone #: Cell: Home: Work: (312) (b)(6)

Mailing Address: National Immigrant Justice Center, 208 S. LaSalle St, Ste 1300, Chicago, IL 60604  
PO Box or Street address City State Zip

③ **What happened?** Describe your complaint. Give as much detail about your experience as possible.  
See attached.

Continue on an additional page, if needed.

**When did this happen? If ongoing, please indicate when the problem began.**

*(If it happened on more than one date, list all dates):*

See attached.

**Where did this happen?**

Place *(for example, name the detention facility, airport, other)*: \_\_\_\_\_

City: near Hidalgo State or Country: Texas

**④ Who treated you unfairly?**

An employee, contractor, or officer of *(check as many as apply)*:

- |  |   |
|--|---|
| <input type="checkbox"/> Citizenship and Immigration Services (USCIS)    | <input type="checkbox"/> Not sure which DHS office                    |
| <input checked="" type="checkbox"/> Customs and Border Protection (CBP)* | <input type="checkbox"/> Non-DHS employee working under the authority |
| <input type="checkbox"/> Customs Officer                                 | of DHS (e.g., 287g officer)   |
| <input type="checkbox"/> Border Patrol Agent                             | specify: _____  |
| <input type="checkbox"/> Federal Emergency Management Agency (FEMA)      |   |
| <input type="checkbox"/> Immigration and Customs Enforcement (ICE)       |   |
| <input type="checkbox"/> Secret Service (USSS)                           |   |
| <input type="checkbox"/> Transportation Security Administration (TSA)*   |   |
| <input type="checkbox"/> U.S. Coast Guard (USCG)                         |   |
| <input type="checkbox"/> Other DHS program <i>(specify)</i> :            |   |

\*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: [www.dhs.gov/trip](http://www.dhs.gov/trip).

**⑤ List anyone else who may have seen or heard what happened.**

*(If you do not know their names, provide whatever details you can)*

Names (or other information, e.g., agency): other unidentified witnesses

Mailing Address: \_\_\_\_\_  
PO Box or Street address City State or Country Zip

Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_

Names (or other information, e.g., agency): \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
PO Box or Street address City State or Country Zip

Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_

*Continue on an additional page, if needed.*

- ⑥ **Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?**

☐ **Yes:** Agency/Office/Court \_\_\_\_\_ Date: \_\_\_\_\_  
☒ **No**

**If so, has anyone responded to your complaint?**

☐ **Yes** ☐ **No**

If Yes, describe what has been done to respond to your complaint:

N/A

*Continue on an additional page, if needed.*

- ⑦ **Is there any other information you want us to know about or consider?**

*Continue on an additional page, if needed.*

- ⑧ If you are not proficient in English, please indicate the language in which you prefer we communicate with you.

Spanish \_\_\_\_\_

- ⑨ If you have problems understanding this form or any other question, contact CRCL:

E-mail: [crcl@dhs.gov](mailto:crcl@dhs.gov)

Phone: Local: 202-401-1474 or

Toll Free: 866-644-8360

TTY: Local TTY: 202-401-0470

Toll Free TTY: 866-644-8361

Fax: 202-401-4708

By U.S. Postal Service:

Department of Homeland Security

CRCL/Compliance Branch

245 Murray Lane, SW

Building 410, Mail Stop #0190

Washington, DC 20528

Note: Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

- ⑩ To submit this form by email, please save, attach, and send to [crcl@dhs.gov](mailto:crcl@dhs.gov). Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.

Submit copies, not originals; put your name and the date of this complaint on each document. (Fax to: 202-401-4708, or email scans of your documents to [crcl@dhs.gov](mailto:crcl@dhs.gov), or mail to the address listed above.)

## Keep a copy of this complaint for your records.

### Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, CRCL will disclose the information regarding your complaint to other appropriate DHS offices, including the Office of the Inspector General. CRCL may also disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the **types** of complaints, and **do not include personal information**. To read our past reports, go to [www.dhs.gov/crcl](http://www.dhs.gov/crcl).

To learn more about the Privacy Act go to the Federal Information Center, [www.pueblo.gsa.gov](http://www.pueblo.gsa.gov).

You may use the following pages to include additional information about your complaint if needed. Please specify which number(s) above you are continuing.

### COMPLAINT AFFIDAVIT

My full and complete name is: (b)(6)  
My assigned Alien number is: (b)(6)  
I was detained by Border Patrol Agents at or near: Hidalgo, Texas  
I was detained by Border Patrol Agents on or about: May 14, 2014  
My age at the time I was detained: 17 FINS #: (b)(6)  
Event #: MCS1405000818  
Border Patrol Agent: \_\_\_\_\_ Supervisor: \_\_\_\_\_  
Location of Border Patrol Agent: \_\_\_\_\_

I, (b)(6) declare and affirm that the following took place:

I was detained at the border around May 14, 2014. I traveled from Honduras to reunite with my mother who lives in the United States.

I was detained in three facilities near the border. In one of them, I was in a room with other minors and there was a small window. The window had a sign that read that people could not look out the window. A few of the boys that were detained looked out the window and when the officer noticed he asked who had looked. I was scared and covered my mouth with my hands. The officer thought I was laughing. He screamed at me and told me he was "the one in charge." He told me to kneel and hold my hands up against the wall. I was like that for 15-20 minutes. The officer came back and told me "does it hurt?" When I told him it only hurt a little, he told me, "You are going to stay like that until it hurts." He came back a few minutes later and allowed me to get up but he told me he did not want to hear me laughing again.

Other friends that were detained also told me that that same officer had told another boy from El Salvador that he looked like a clown and that that was all he was good for. He told the boy that he should go back to El Salvador to be a clown. From what I remember the officer was tall and a bulk looking. He was white and was going bald. I can't remember his name it was really strange.

I was scared and felt humiliated.



I declare and affirm under penalty of perjury that the content of this declaration is true and correct to the best of my knowledge. **I authorize any agency or entity receiving this complaint or a copy of this complaint to release any and all information about this complaint or its investigation to the National Immigration Justice Center (NIJC).**

(b)(6)

Signature

5/27/14

Date

I, (b)(6), hereby declare under penalty of perjury that I am competent in both English and Spanish, and have translated to the best of my abilities the foregoing affidavit from Spanish to English.

(b)(6)

Signature

5/27/14

Date